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NORTH ATLANTIC COAST FISHERIES

PROCEEDINGS

IN THE

North Atlantic Coast Fisheries
Arbitration

BEFORE

THE PERMANENT COURT OF ARBITRATION
AT THE HAGUE

UNDER THE PROVISIONS OF THE GENERAL TREATY OF
ARBITRATION OF APRIL 4, 1908, AND THE SPECIAL
AGREEMENT OF JANUARY 27, 1909, BETWEEN
THE UNITED STATES OF AMERICA
AND GREAT BRITAIN

(IN TWELVE VOLUMES)

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(IN THREE PARTS)

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PART III.

STATUTES, PROCLAMATIONS, RULES, ORDERS, &C.

GREAT BRITAIN.

No. 1.—*1653, June 3: Instructions to John Treworgie, Commissioner for Newfoundland, with annexed Laws and Ordinances.*

Instructions to John Treworgie Gent. appointed Commissioner for managing and ordering the affairs and interest of this Commonwealth in Newfoundland for this present year.

Whereas upon consideration had of the present state and condition of affairs in Newfoundland relating unto this Commonwealth, The Council have thought it expedient to continue you for this summer upon the place as a Commissioner for managing and ordering the affairs there.

You are therefore to demean yourself in that trust and employment according to the powers, instructions, and authority hereafter mentioned:—

1st. You are hereby required and authorized to take care for the Government and well ordering of the said country of Newfoundland and the people there inhabiting, and likewise the fishery according to such laws and ordinances as are hereunto annexed.

2nd. You are by yourself or such fit persons as you shall appoint to collect the imposition of fish due from and paid by strangers, and likewise the imposition of oil for the use of this Commonwealth, and the adventurers aforesaid, until the Supreme Authority shall declare their further pleasure therein.

3rd. You are to use your best endeavours to secure the fishery there against any that shall attempt to disturb or interrupt it, and to that end you have hereby full power and authority to command such ships and vessels as are upon that coast or in any of the harbours to keep together or otherwise to dispose of themselves in such manner as may be most for the common safety and to use such other means for the end aforesaid as you shall judge meet. And all Captains of Convoys are hereby required to be assisting to you in the execution thereof. And you are to consider in what manner any of the harbours and bays, belonging to the country may be fortified for preservation both of the country and fishing.

4th. Whereas security is given by Sir David Kirke such as the Council do approve of, for his appearance to the Council and being responsible as to any matters to be objected against him, upon which the sequestration or former seizure upon his Estate is to be taken off, you are therefore to deliver up unto such person or persons

as he shall appoint all that remains of his there that was formerly sequestred or seized, or that belongeth to him, only of the Ordnance or any other things that do properly belong to the Commonwealth, You are to take a particular notice & Inventory, and unto the person or persons in whose charge you shall leave the same, You are to give strict directions that they take care the same be preserved and forth-coming to the use of the Commonwealth.

You are to receive and examine all such complaints as shall be made unto you as well by strangers as others of any wrong or injury done unto them by any person or persons whatsoever, and to certify their particular Cases unto the Council.

You are upon the close of this summer's fishery to return back into England and to repair to the Council or the Supreme Authority, of this Commonwealth and to give as well a just and true account of all such money and profits as have come to your hands due to the Commonwealth or Adventurers, as of all your proceedings and in what condition you left all things there at your coming away.

[Annexed Laws and Ordinances.]

Laws, rules and ordinances whereby the affairs and fishery of Newfoundland are to be governed until the Parliament shall take further order.

1. That no ballast, prest-stones nor anything else hurtful to the harbours be thrown out to the prejudice of the said harbours but that it be carried ashore and laid where it may not do annoyance.

2. That no person whatsoever either fishermen or inhabitants do destroy or deface or any way work any spoil or detriment to any stage, cookroom, flakes, spikes, nails or anything else that 512 belongeth to the stages whatsoever either at the end of the voyage, when he hath done, and is to depart the country, but that he or they content themselves with such stage or stages only as shall be needful for them, and that for the repairing of such stages as he or they take, they shall fetch timber out of the woods and not to do it with ruining or tearing down of other stages.

3. That according to the ancient custom, every ship or fisher that first entereth a harbour, in behalf of the ship, be Admiral of the said harbour, wherein for the time being he shall only reserve so much beach and flakes, or both as is needful for the number of boats that he shall use, with an overplus only for one boat more than he needeth as a privilege for his first coming; and that every ship coming after content himself with what he shall have necessary use for, without keeping or detaining any more to the prejudice of others next coming. And that any that are possessed of several places in several harbours with intent to keep them all before they can resolve upon which to choose shall be bound to resolve and send advice to such after comers in those places as expect his resolution and that within 48 hours if the weather so serve, that the said after comers may likewise choose their places and so none receive prejudice by others' delays.

4. That no person cut out, deface, or any way alter or change the marks of any boats or train vats whereby to defraud the right own-

ers, and that no person convert to his own use the said boats or train fats so belonging to others without their consent nor remove, nor take them from the places where they be left by the owners except in case of necessity and then to give notice thereof to the Admiral and others whereby the right owners may know what is become of them.

5. That no person do diminish, take away, purloin, or steal any of the fish, or train, or salt which is put in cask, train vats, or cook-rooms, or other houses in any of the harbours or fishing places of the country, or any other provisions, belonging to the fishing trade or to the ships.

6. That no person set fire in any of the woods of the country or work any detriment or destruction to the same by rinding of the trees either for the sealing of ships holds or for rooms on shore, or for any other uses, except for the covering of the roofs for cookrooms to dress their meat and these room not to extend above 30 foot in length at the most.

7. That no man cast anchor or ought else hurtful which may breed annoyance or hinder the haling of sains for bait in places accustomed therunto.

8. That no person rob the nets of others out of any drift, boat or drover for bait by might, nor take away any bait out of their fishing boats by their ship's sides nor rob or steel any of their nets or any part thereof.

9. That no person do set up any taverns for selling of wines, beer or strong waters, cider or tobacco to entertain the fishermen, because it is found that by such means they are debauched, neglecting their labours, and poor ill governed men not only spend most part of their shares before they come home upon which the lives and maintenance of their wives and children dependeth, but are likewise hurtful in divers other ways, as by neglecting and making themselves unfit for their labour, by purloining and stealing from their owners and by making unlawful shifts to supply their disorders, which disorders they frequently follow, since these occasions have presented themselves.

10. That no planter be permitted to keep any more stage room than he hath fishing-men in possession for the managing of it, and that every planter in each harbour may take their stages and fishing room together in one part of the harbour and not scattering as they now do, wasting as much room for one or two boats as may serve 6 or 8 boats.

11. That no planter be permitted to build any dwelling-house, storehouse, court-ledge or garden or keep any pigs or other cattle upon or near the ground where fish is saved or dried.

12. That all provisions imported for sale necessary for fishing be free for any person to buy for his own present occasion, so it be demanded within six days after its arrival, and not to be ingrossed by a few to make benefit on others thereby.

13. That upon the Lord's day the company assemble in meet place for divine worship.

Signed

JOHN DISBROW, Pst.

WHITEHALL, 3d of June, 1653.

92909°—S. Doc. 870, 61-3, vol 5 — 2

No. 2.—1660, January 26th: *Star Chamber Rules of Charles I and additions by Charles II.*

Charles the Second by the grace of God, King of England, Scotland, France and Ireland Defender of the Faith &c. and to all to whom these presents shall come, Greeting:

Whereas our late Royal father of blessed memory by his Letters Patent under his Great Seal of England bearing date at Westminister the tenth day of February in the ninth year of his reign hereby reciting that the region or country called Newfoundland had been acquired to the Dominion of his progenitors which he held and his people had many years resorted to those parts where and in the coasts adjoining they employed themselves in fishing, whereby a great number of his people had been set on work and the navigation and mariners of his Realm had been much increased and his subjects resorting thither one by the other and the natives of those parts were orderly and gently intreated until then of late some of his subjects of the Realm of England planting themselves in that country and there residing and inhabiting upon conceipt that for wrongs or injuries done there either on the shore or in the sea adjoining

they could not be here impeached and the rather for that
513 he or his progenitors had not thentofore given laws to the

inhabitants there and by that example his subjects resorting thither injured one another and used all manner of excess to the great hindrance of the voyage and common damage of this Realm, for preventing of such inconveniences for the future he did thereby declare in what manner his people in Newfoundland and upon the sea adjoining and the bays, creeks or fresh rivers there should be guided and governed and did make and ordain and we do by these presents renew, ratify and confirm the laws following in the things after specified commanding that the same be obeyed and put in execution. First if any man on the land there shall kill another or if any shall secretly or forceably steal the goods of any other to the value of forty shillings, he shall be forthwith apprehended and arrested, detained and brought prisoner to England, and the crime committed by him shall be made known to the Earl Marshall of England for the time being to whom the delinquent shall be delivered as prisoner. And the said Earl Marshall shall take cognizance of the cause and if he shall find by the testimony of two witnesses or more that the party had there killed a man not being at that time first assaulted by the party slain, or that the killing were by misadventure or had stolen such goods, the delinquent shall suffer pain of death and all the company shall endeavour to apprehend such malefactor. Secondly that no ballast prestones, or any thing else hurtful to the harbours be thrown out to the prejudice of the said harbours, but that it be carried ashore and laid where it may not do annoyance. Thirdly that no person whatsoever either fisherman or inhabitant do destroy deface or any way work any spoil or detriment to any stage, cook-room, flakes, spikes, nails or any thing else that belongeth to any the stages whatsoever either at the end of the voyage when he hath done and is to depart the country, or to any such stages as he shall fall withal at his coming into the country, but that he or they content themselves with such stage or stages only as shall be needful for them

and that for the repairing of such stages as he or they take they shall fetch timber out of the woods and not to do it with the ruining or tearing down of other stages. Fourthly that according to the ancient custom every ship or fisher that first entereth a harbour in behalf of a ship be Admiral of the said harbour wherein for the time being he shall reserve only so much beach and flakes or both as is needful for the number of boats as he shall use with an overplus only for one boat more than he needeth as privilege for his first coming and that every ship coming after content themselves with what he shall have necessary use for without keeping or detaining any more to the prejudice of others next coming, and that any that are possessed of several places in several harbours with intent to keep them all before they can resolve upon which of them to choose shall be bound to resolve and send advice to such after comers in those places as expect his resolution and that within forty eight hours if the weather do serve that the said after comers may likewise choose their places and so none receive prejudice by others delays. Fifthly that no person cut out deface or any way alter or change the marks of any boats or train vats whereby to defraud the right owners, and that no person convert to his own use the said boats or train vats so belonging to others without their consents nor remove nor take them from the places where they be left by the owners, except in case of necessity, and then to give notice thereof to the Admiral and others whereby the right owners may know what is become of them. Sixthly that no person do diminish take away purloin or steal any of the fish or train or salt which is put in casks train vats or cookrooms or other house in any of the harbours or fishing places of the country or any other provision belonging to the fishing trade or to the ships. Sevently that no person set fire on any of the woods of the country or work any detriment or destruction to the same by rinding of the trees either for the sealing of ships holds or for rooms on shore or for any other uses except for the covering of the roofs for cookrooms to dress their meat in and those rooms not to extend above sixteen feet in length at the most. Eightly that no man cast anchor or ought else hurtful which may breed annoyance or hinder the haling of seines for bait in places accustomed thereunto. Ninthly that no person rob the nets of others out of any drift boat or drover for bait by night nor take away any bait out of their fishing boats by their ships sides nor rob or steal any of their nets or any part thereof. Tenthly that no person do set up any tavern for selling of wine beer strong waters cider or tobacco to entertain the fishermen because it is found that by such means they are debauched neglecting their labours and poor ill governed men not only spent most part of their shares before they come home upon which the life and maintenance of their wives and children depend but are likewise hurtful in divers other ways as by neglecting and making themselves unfit for their labour by purloining and stealing from their owners, and by making unlawful shift to supply their disorders which disorders they frequently follow since those occasions have presented themselves. Eleventhly that upon the Sundays the Company assemble in meet places and have divine service to be said by some of the masters of the ships or some others which prayers shall be such as are in the Book of Common Prayer. And moreover and further then was ordained by the laws of our said late father and for the encourage-

ment of our subjects in the said Newfoundland and in the seas adjoining, and for the benefit of the said trade there we do hereby straightly charge prohibit and forbid all and every the owners of ships trading in the said Newfoundland fishery that they nor any of them do carry or transport or permit or suffer any person or persons to be carried or transported in their or any of their ships to the said Newfoundland other than such as are of his or their own or other ships Company or belonging thereunto and are upon the said ships hire and employment or such as are to plant and do intend to settle there. And because that speedy punishment may be inflicted upon the offenders against the laws and constitutions aforesaid We do ordain as was formerly ordained by our said late father that every of the mayors of Southton, Weymouth and Melcombe Regis Lyme Plymouth Dartmouth Eastlowe Foy and Barnstaple for the time being may take cognizance of all complaints made by any offenders against any of the laws or ordinances aforesaid upon the land and by oath of witnesses examine the truth thereof and award amends to the parties grieved and punish the delinquents by fine and imprisonment or either of them and of their goods found in the parts of Newfoundland or in the sea cause satisfaction thereof to be made by Warrants under their hands and seals, And the Vice-Admirals in our Counties of Southton Dorset Devon and Cornwall upon com-

plaint made of any of the premises committed upon the sea
514 shall speedily and effectually proceed against the offenders

Also we will and ordain that these laws and ordinances shall stand in force and be put in due execution until we shall otherwise provide and ordain And we do require the Admiral in every harbour in this next season ensuing calling together such as shall be in that harbour publicly to proclaim these presents and that they also proclaim the same on the shore In Witness &c Witness our self at Westminster the six and twentieth day of January.

PER IPSUM REGEM

No. 3.—1660: *British Statute, 12 Charles II, Cap. 18.*

AN ACT For the Encouraging and Increasing of Shipping and Navigation.

“ For the increase of shipping and encouragement of the navigation of this nation, wherein, under the good providence and protection of God, the wealth, safety and strength of this Kingdom is so much concerned; ” (2) Be it enacted by the King’s Most Excellent Majesty, and by the Lords and Commons in this present Parliament assembled, and by the authority thereof, That from and after the first day of *December* one thousand six hundred and sixty, and from thence forward, no goods or commodities whatsoever shall be imported into or exported out of any lands, islands, plantations or territories to His Majesty belonging or in his possession, or which may hereafter belong unto or be in possession of His Majesty, his heirs and successors, in *Asia, Africa, or America*, in any other ship or ships, vessel or vessels whatsoever, but in such ships or vessels as be truly and without fraud belong only to the people of *England* or *Ireland*, Dominion of *Wales* or town of *Berwick upon Tweed*, or of the built of and belonging to any of the said lands, islands, planta-

tions or territories, as the proprietors and right owners thereof, and whereof the Master and three fourths of the Mariners at least are English; (3) under the penalty of the forfeiture and loss of all the goods and commodities which shall be imported into or exported out of any the aforesaid places in any other ship or vessel, as also of the ship or vessel, with all its guns, furniture, tackle, ammunition and apparel; one third part thereof to His Majesty, his heirs and successors; one third part to the Governor of such land, plantation, island or territory, where such default shall be committed, in case the said ship or goods be there seized, or otherwise that third part also to his Majesty, his heirs and successors; and the other third part to him or them who shall seize, inform or sue for the same in any Court of Record, by Bill, Information, Plaintiff or other Action, wherein no essoin, protection or wager of law shall be allowed; (4) and all Admirals and other Commanders at sea of any the ships of war or other ship having commission from His Majesty or from his heirs or successors; are hereby authorized and strictly required to seize and bring in as prize all such ships or vessels as shall have offended contrary hereunto, and deliver them to the Court of Admiralty, there to be proceeded against, and in case of condemnation, one moiety of such forfeitures shall be to the use of such Admirals or Commanders and their companies, to be divided and proportioned amongst them according to the rules and orders of the sea in case of ships taken prize; and the other moiety to the use of his Majesty, his heirs and successors.

II. And be it enacted, That no alien or person not born within the allegiance of our Sovereign Lord the King, his heirs and successors, or naturalized, or made a free denizen, shall from and after the first day of *February*, which will be in the year of our Lord one thousand six hundred and sixty-one, exercise the trade or occupation of a merchant or factor in any of the said places; (2) upon pain of the forfeiture and loss of all his goods and chattels, or which are in his possession; one third to his Majesty, his heirs and successors; one third to the Governor of the Plantation where such person shall so offend; and the other third to him or them that shall inform or sue for the same in any of his Majesty's Courts in the Plantation where such offence shall be committed: (3) And all Governors of the said lands, islands, plantations or territories, and every of them, are hereby strictly required and commanded, and all who hereafter shall be made Governors of any such islands, plantations or territories, by his Majesty, his heirs or successors, shall before their entrance into their government take a solemn oath, to do their utmost, that every the afore-mentioned Clauses, and all the Matters and things therein contained, shall be punctually and *bonâ fide* observed according to the true intent and meaning thereof: (4) And upon complaint and proof made before his Majesty, his heirs or successors, or such as shall be by him or them thereunto authorised and appointed, that any the said Governors have been willingly and wittingly negligent in doing their duty accordingly, that the said Governor so offending shall be removed from his Government.

III. And it is further enacted by the authority aforesaid, That no goods or commodities whatsoever, of the growth, production or manufacture of *Africa, Asia or America*, or of any part thereof, or which are described or laid down in the usual maps or cards of those places,

be imported into *England, Ireland, or Wales, Islands of Guernsey and Jersey, or town of Berwick upon Tweed*, in any other ship or ships, vessel or vessels whatsoever, but in such as do truly and without fraud belong only to the people of *England or Ireland*, dominion of *Wales*, or town of *Berwick upon Tweed*, or of the lands, islands, plantations or territories in *Asia, Africa or America*, to his Majesty belonging; as the proprietors and right owners thereof, and whereof the master, and three fourths at least of the mariners are *English*; (2) under the penalty of the forfeiture of all such goods and commodities, and of the ship or vessel in which they were imported, with all her guns, tackle, furniture, ammunition and apparel; one moiety to his Majesty, his heirs and successors; and the other moiety to him or them who shall seize, inform or sue for the same in any Court of Record, by Bill, information, plaint or other action, wherein no essoin, protection or wager of law shall be allowed.

515 IV. And it is further enacted by the authority aforesaid,

That no goods or commodities that are of foreign growth, production or manufacture, and which are to be brought into *England, Ireland, Wales, the islands of Guernsey and Jersey, or town of Berwick upon Tweed*, in *English-built shipping*, or other shipping belonging to some of the aforesaid places, and navigated by *English* mariners, as aforesaid, shall be shipped or brought from any other place or places, country or countries, but only from those of the said growth, production or manufacture, or from those ports where the said goods and commodities can only, or are, or usually have been, first shipped for transportation, and from none other places or countries; (2) under the penalty of the forfeiture of all such of the aforesaid goods as shall be imported from any other place or country contrary to the true intent and meaning hereof, as also of the ship in which they were imported, with all her guns, furniture, ammunition, tackle, and apparel; one moiety to his Majesty, his heirs and successors, and the other moiety to him or them that shall seize, inform or sue for the same in any Court of Record, to be recovered as is before expressed.

V. And it is further enacted by the authority aforesaid, That any sort of ling, stockfish, pilchard, or any other kind of dried or salted fish, usually fished for and caught by the people of *England, Ireland, Wales, or town of Berwick upon Tweed*, or any sort of cod-fish or herring, or any oil or blubber made or that shall be made of any kind of fish whatsoever, or any whale fins or whale bones, which shall be imported into *England, Ireland, Wales, or town of Berwick upon Tweed*, not having been caught in vessels truly and properly belonging thereunto as proprietors and right owners thereof, and the said fish cured, saved and dried, and the oil and blubber aforesaid (which shall be accounted and pay as oil) not made by the people thereof, and shall be imported into *England, Ireland, or Wales, or town of Berwick upon Tweed*, shall pay double aliens custom.

VI. And be it further enacted by the authority aforesaid, That from henceforth it shall not be lawful to any person or persons whatsoever, to load or cause to be laden and carried in any bottom or bottoms, ship or ships, vessel or vessels whatsoever, whereof any stranger or strangers-born (unless such as shall be denizens or naturalised) be owners, part-owners, or master, and whereof three fourths of the mariners at least shall not be *English*, any fish, victual, wares, goods,

commodities or things, of what kind or nature soever, the same shall be, from one port or creek of *England, Ireland, Wales*, islands of *Guernsey or Jersey*, or town of *Berwick upon Tweed*, to another port or creek of the same, or any of them; under penalty for every one that shall offend contrary to the true meaning of this branch of this present act, to forfeit all such goods as shall be loaden and carried in any such ship or vessel, together with the ship or vessel, and all her guns, ammunition, tackle, furniture and apparel; one moiety to his Majesty, his heirs and successors, and the other moiety to him or them that shall inform, seize or sue for the same in any Court of Record, to be recovered in manner aforesaid.

VII. And it is further enacted by the authority aforesaid, that where any ease, abatement or privilege is given in the Book of Rates to goods or commodities imported or exported in *English-built* shipping, that is to say, shipping built in *England, Ireland, Wales*, islands of *Guernsey or Jersey*, or town of *Berwick upon Tweed*, or in any the lands, islands, dominions and territories to his Majesty in *Africa, Asia or America*, belonging, or in his possession, that it is always to be understood and provided, that the master and three fourths of the mariners of the said ships at least be also *English*; (2) and that where it is required that the master and three fourths of the mariners be *English*, that the true intent and meaning thereof is, that they should be such during the whole voyage, unless in case of sickness, death, or being taken prisoners in the voyage, to be proved by the oath of the master or other chief officer of such ships.

VIII. And it is further enacted by the authority aforesaid, that no goods or commodities of the growth, production or manufacture of *Muscovy*, or of any of the countries, dominions or territories to the Great Duke or Emperor of *Muscovy*, or *Russia* belonging, as also that no sort of masts, timber or boards, no foreign salt, pitch, tar, rosin, hemp or flex, raisins, figs, prunes, olive-oils, no sorts of corn or grain, sugar, pot-ashes, wines, vinegar or spirits called *Aqua-vitæ*, or brandy-wine, shall from and after the first day of *April*, which shall be in the year of our Lord one thousand six hundred sixty one, be imported into *England, Ireland, Wales*, or town of *Berwick upon Tweed*, in any ship or ships, vessel or vessels whatsoever, but in such as do truly and without fraud belong to the people thereof, or some of them, as the true owners and proprietors thereof, and whereof the master and three fourths of the mariners at least are *English*: And that no currants nor commodities of the growth, production or manufacture of any of the countries, islands, dominions or territories to the *Othoman or Turkish Empire* belonging, shall from and after the first day of *September*, which shall be in the year of our Lord one thousand six hundred sixty-one, be imported into any the afore-mentioned places in any ship or vessel, but which is of *English-built*, and navigated, as aforesaid, and in no other, except only such foreign ships and vessels as are of the built of that country or place of which the said goods are the growth, production or manufacture respectively, or of such port where the said goods can only be, or most usually are, first shipped for transportation, and whereof the master and three fourths of the mariners at least are of the said country or place, under the penalty and forfeiture of ship and goods, to be disposed and recovered as in the foregoing clause.

IX. Provided always, and be it hereby enacted by the authority aforesaid, That for the prevention of the great frauds daily used in colouring and concealing of aliens goods, all wines of the growth of *France* or *Germany*, which from and after the twentieth day of *October* one thousand six hundred and sixty shall be imported into any the ports or places aforesaid, in any other ship or vessel than which doth truly and without fraud belong to *England*, *Ireland*, *Wales*, or *Town of Berwick upon Tweed*, and navigated with the mariners thereof, as aforesaid, shall be deemed aliens goods, and pay all strangers customs and duties to his Majesty, his heirs and successors, as also to the town or port into which they shall be imported; (2) and that all sorts of masts, timber or boards, as also all foreign salt, pitch, tar, rosin, hemp, flax, raisins, figs, prunes, olive-oils, all sorts of corn or grain, sugar, pot-ashes, spirits commonly called Brandy-wine, or *Aqua-vitæ*, wines of the growth of *Spain*, the islands of the *Canaries* or *Portugal*, *Madera* or *Western Islands*; (3)

516 and all the goods of the growth, production or manufacture of *Muscovy* or *Russia*, which from and after the first day of *April*, which shall be in the year of our Lord one thousand six hundred sixty-one, shall be imported into any the aforesaid places in any other than such shipping, and so navigated; (4) and all currans and *Turky* commodities which from and after the first day of *September* one thousand six hundred sixty-one shall be imported into any the places aforesaid, in any other than *English-built* shipping, and navigated as aforesaid, (5) shall be deemed aliens goods, and pay accordingly to his Majesty his heirs and successors, and to the town or port into which they shall be imported.

X. And for prevention of all frauds which may be used in colouring or buying of foreign ships, be it enacted by the authority aforesaid, and it is hereby enacted, That from and after the first day of *April*, which shall be in the year of our Lord one thousand six hundred sixty-one, no foreign-built ship or vessel whatsoever shall be deemed or pass as a ship to *England*, *Ireland*, *Wales*, or town of *Berwick*, or any of them belonging, or enjoy the benefit or privilege of such a ship or vessel, until such time that he or they claiming the said ship or vessel to be theirs, shall make appear to the chief officer or officers of the Customs in the port next to the place of his or their abode, that he or they are not aliens, and shall have taken an oath before such chief officer or officers, who are hereby authorised to administer the same, that such ship or vessel was *bona fide* and without fraud by him or them bought for a valuable consideration, expressing the sum, as also the time, place and persons from whom it was bought, and who are his part-owners (if he have any); (2) all which part-owners shall be liable to take the said oath before the chief officer or officers of the Custom-house of the port next to the place of their abode, and that no foreigner directly or indirectly hath any part, interest or share therein; and that upon such oath he or they shall receive a certificate under the hand and seal of the said chief officer or officers of the port where such person or persons so making oath do reside, whereby such ship or vessel may for the future pass and be deemed as a ship belonging to the said port, and enjoy the privilege of such a ship or vessel: and the said officer or officers shall keep a register of all such certificates as he or they shall

so give, and return a duplicate thereof to the chief officers of the Customs at *London*, for such as shall be granted in *England*, *Wales*, and *Berwick*, and to the chief officers of the Customs at *Dublin*, for such as shall be given in *Ireland*, together with the names of the person or persons from whom such ship was bought, and the sum of money which was paid for her, as also the names of all such persons who are part-owners of her, if any such be.

XI. And be it further enacted by the authority aforesaid, that if any officers of the Customs shall from and after the said first day of April allow the privilege of being a ship or vessel to *England*, *Ireland*, *Wales*, or town of *Berwick*, or any of them belonging, to any foreign-built ship or vessel, until such certificate be before them produced, or such proof and oath taken before them; (2) or if any officer of the Customs shall allow the privilege of an *English*-built ship, or other ship to any of the aforesaid places belonging, to any *English* or foreign-built ship coming into any port, and making entry of any goods, until examination whether the master and three-fourths of the mariners be *English*; (3) or shall allow to any foreign-built ship bringing in the commodities of the growth of the country where it was built, the privilege by this Act to such ship given, until examination and proof whether it be a ship of the built of that country, and that the master and three-fourths of the mariners are of that country; (4) or if any person who is or shall be made Governor of any lands, islands, plantations or territories in *Africa*, *Asia*, or *America*, by his Majesty, his heirs or successors, shall suffer any foreign-built ship or vessel to load or unload any goods or commodities within the precincts of their governments, until such certificate be produced before them, or such as shall be by them appointed to view the same, and examination whether the master and three-fourths of the mariners at least be *English*; (5) that for the first offence such officer of the Customs and Governors shall be put out of their places, offices or governments.

XII. Provided always, that this act, or anything therein contained, extend not, or be meant, to restrain and prohibit the importation of any the commodities of the *Streights* or *Levant-Seas*, loaden in *English*-built shipping, and whereof the master and three fourths of the mariners at least are *English*, from the usual ports or places for lading of them heretofore within the said *Streights* or *Levant* seas, though the said commodities be not of the very growth of the said places.

XIII. Provided also, That this act, or anything herein contained, extend not, or be meant, to restrain the importing of any *East-India* commodities loaden in *English*-built shipping, and whereof the master and three fourths of the mariners at least are *English*, from the usual place or places for lading of them in any part of those seas, to the southward and eastward of *Cabo bona Esperanza*, although the said ports be not the very places of their growth.

XIV. Provided also, That it shall and may be lawful to and for any of the people of *England*, *Ireland*, *Wales*, Islands of *Guernsey* or *Jersey*, or town of *Berwick upon Tweed*, in vessels or ships to them belonging, and whereof the master and three-fourths of the mariners at least are *English*, to load and bring in from any of the ports of *Spain* or *Portugal*, or Western Islands, commonly called *Azores*, or

Madera or *Canary Islands*, all sorts of goods or commodities of the growth, production or manufacture of the plantations or dominions of either of them respectively.

XV. Provided, That this act, or anything therein contained, extend not to bullion, nor yet to any goods taken, or that shall be *bona fide* taken, by way of reprisal by any ship or ships belonging to *England, Ireland or Wales, Islands of Guernsey or Jersey, or town of Berwick upon Tweed*, and whereof the master and three fourths of the mariners at least are *English*, having commission from his Majesty, his heirs and successors.

XVI. Provided always, that this act, or anything therein contained, shall not extend, or be construed to extend, to lay aliens duties upon any corn of the growth of *Scotland*, or to any salt made in *Scotland*, nor to any fish caught, saved and cured by the people of *Scotland*, and imported directly from *Scotland* in *Scotch-built ships*, and whereof the master and three fourths of the mariners are of his Majesty's subjects; (2) nor to any seal-oil of *Russia*, imported from thence into *England, Ireland, Wales, or town of Berwick upon Tweed*, in shipping *bona fide* to some of the said places belonging, and whereof the master and three fourths of the mariners at least are *English*.

517 XVII. Provided also, and it is hereby enacted, that every ship or vessel belonging to any of the subjects of the *French king*, which from and after the twentieth day of *October* in the year of our Lord one thousand six hundred and sixty shall come into any port, creek, harbour or road of *England, Ireland, Wales, or town of Berwick upon Tweed*, and shall there lade or unlade any goods or commodities, or take in or set on shore any passengers, shall pay to the collector of his Majesty's Customs in such port, creek, harbour or road, for every ton of which the said ship or vessel is of burthen, to be computed by such officer of the Customs as shall be thereunto appointed, the sum of five shillings current money of *England*: (2) And that no such ship or vessel be suffered to depart out of such port, creek, harbour or road, until the said duty be fully paid: (3) And that this duty shall continue to be collected, levied and paid, for such time as a certain duty of fifty sols *per ton*, lately imposed by the *French king*, or any part thereof, shall continue to be collected upon the shipping of *England* lading in *France*, and three months after, and no longer.

XVIII. And it is further enacted by the authority aforesaid, That from and after the first day of *April*, which shall be in the year of our Lord one thousand six hundred sixty-one, no sugars, tobacco, cotton-wool, indigoes, ginger, fustick, or other dying wood, of the growth, production or manufacture of any *English* plantations in *America, Asia or Africa*, shall be shipped, carried, conveyed or transported from any of the said *English* plantations to any land, island, territory, dominion, port or place whatsoever, other than to such other *English* plantations as do belong to his Majesty, his heirs and successors, or to the Kingdom of *England or Ireland*, or principality of *Wales*, or town of *Berwick upon Tweed*, there to be laid on shore, (2) under the penalty of the forfeiture of the said goods, or the full value thereof, as also of the ship, with all her guns, tackle, apparel, ammunition and furniture; the one moiety to the King's Majesty, his heirs and successors, and the other moiety

to him or them that shall seize, inform or sue for the same in any Court of Record, by Bill, plaint or information, wherein no essoin, protection or wager of law shall be allowed.

XIX. And be it further enacted by the authority aforesaid, That for every ship or vessel, which from and after the five and twentieth day of *December* in the year of our Lord one thousand six hundred and sixty shall set sail out or from *England, Ireland, Wales*, or town of *Berwick upon Tweed*, for any *English* plantation in *America, Asia or Africa*, sufficient bond shall be given with one surety to the chief officers of the Custom-house of such port or place from whence the said ship shall set sail, to the value of one thousand pounds, if the ship be of less burthen than one hundred tuns; and of the sum of two thousand pounds, if the ship shall be of greater burthen: That in case the said ship or vessel shall load any of the said commodities at any of the said *English* plantations, that the same commodities shall be by the said ship brought to some port of *England, Ireland, Wales*, or to the Port or town of *Berwick upon Tweed*, and shall there unload and put on shore the same, the danger of the seas only excepted: (2) And for all ships coming from any other port or place to any of the aforesaid plantations, who by this act are permitted to trade there, that the Governor of such *English* plantations shall before the said ship or vessel be permitted to load on board any of the said commodities, take bond in manner and to the value aforesaid, for each respective ship or vessel, that such ship or vessel shall carry all the aforesaid goods that shall be laden on board in the said ship to some other of his Majesty's *English* plantations, or to *England, Ireland, Wales*, or town of *Berwick upon Tweed*: (3) And that every ship or vessel which shall load or take on board any of the aforesaid goods, until such bond given to the said Governor, or certificate produced from the officers of any Custom-house of *England, Ireland, Wales*, or of the town of *Berwick*, that such bonds have been there duly given, shall be forfeited with all her guns, tackle, apparel and furniture, to be employed and recovered in manner, as aforesaid; and the said Governors and every of them shall twice in every year after the first day of *January* one thousand six hundred and sixty, return true copies of all such bonds by him so taken, to the chief officers of the Custom in *London*.

[Confirmed by 13 Car. II, Stat. 1, c. 14.]

No. 4.—1663: *British Statute, 15 Charles II, Cap. 16.*

An Act for regulating the Herring and other Fisheries, and for Repeal of the Act concerning Madder.

For the preventing of abuses in the packing and ordering of herrings, and bringing that commodity into credit in foreign parts beyond the seas; (2) Be it enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by the authority of the same, That from and after the first day of *August* one thousand six hundred sixty-four, no white or red herrings of *English*-catching shall be put

to sale in *England, Wales*, or in the town of *Berwick upon Tweed*, but what shall be packed in lawful barrels or vessels, and which shall be well, truly and justly laid and packed; and shall be of one time of taking, salting, saving or drying, and equally well packed in the midst and every part of the barrel or vessel, and by a sworn packer; and the vessel or barrel marked or branded by such sworn packer, with a mark or brand denoting the gage of the barrel or vessel, and the quantity, quality and condition of the herrings packed therein, and the town or place where they were packed; (3) and the Bailiffs of *Great Yarmouth* for the time being, and the Mayor, Bailiffs, or other head officer for the time being of every port, haven or creek, out of which any vessels or ships do proceed to fish for herrings, are hereby authorised and required before the first day of *July* in the year one

thousand six hundred sixty-four, and before the first day of
518 *July* in every year after, to appoint for their respective haven,

port or creek, a competent number of able and experienced packers, to view and pack all such white or red herrings of *English* catching, as shall be brought into their port, haven or creek, and well and truly to mark and brand the barrels or vessels in which they shall be packed, with such mark or brand as is above directed, and to administer to them yearly an oath, (which oath they are hereby authorized and appointed to give to them) for the well and true doing thereof according to this Act: (4) And in case the said Bailiffs of *Great Yarmouth*, or the Mayor, Bailiffs, or other head officer for the time being of any such port, haven or creek, shall not appoint and swear such packers before such time in every year, as is by this Act required, they shall for every default forfeit the sum of one hundred pounds of lawful money of *England*; one moiety to His Majesty, his heirs and successors, and the other moiety to him or them that shall inform or sue for the same in any Court of Record, by bill, plaint or other action, wherein no essoin, protection or wager in law shall be allowed: (5) And for the better regulating of the *Island* and *Westmyny* fisheries, and preservation of the spawn of fish there, be it enacted, and it is hereby enacted by the authority aforesaid, That from and after the five and twentieth day of *December* one thousand six hundred sixty-three, no ship or vessel shall proceed upon a fishing voyage for *Island* and *Westmyny* out of any port, haven or creek in *England* or *Wales*, or out of the Port of *Berwick upon Tweed* until the tenth day of *March* in any year, upon pain of the forfeiture of every such ship or vessel with all her furniture, tackle and apparel, and of all the fish caught in such ship or vessel: (6) and it is hereby further enacted by the authority aforesaid, That no person or Persons whatsoever do collect, levy or take, or cause to be collected, levied, or taken in *Newfoundland*, any Toll or other duty of or for any Cod or Poor-John or other fish of *English* catching; under the Pain of the Loss of double the value of what shall be by them levied, collected or taken, or caused to be collected, levied or taken: (7) and that no Planter, or Other Person or Persons whatsoever, do cast or lay any seine or other net in or near any harbour in *Newfoundland*, whereby to take the spawn or young fry of the Poor-John, or for any other Use or Uses, except for the taking of bait only; (8) upon Pain of the Loss of all such Seines or Nets, and of the Fish taken in them, or of the value thereof, to be recovered in any of His Majesty's Courts in *Newfoundland*, or in any

Court of Record in *England or Wales*, by Bill, Plaintiff or other Action; wherein no Essoin, Protection or Wager in Law, shall be allowed.

II. And it is hereby further enacted by the authority aforesaid, That no planter or other person or persons whatsoever shall burn, destroy or steal any boat, cask, salt, nets, or other utensils for fishing or making oil, or other goods or merchandize, left in any harbor in *Newfoundland or Greenland*, by *English*; or burn, pull down or destroy any house built by *English* in *Newfoundland or Greenland*, to live in during the fishing season, or stage built by them in either of the said places for the saving or ordering of fish, or making of oil; (2) upon pain of the loss of double the value of what shall be by them stolen, burnt or destroyed, to be recovered in any of His Majesty's Courts in *Newfoundland or Greenland* respectively, or in any Court of Record in *England*, by bill, plaintiff, or other action, wherein no essoin, protection or wager of law shall be allowed.

" III. And whereas upon the humble petition and complaint of the merchants and salters of the City of London, it doth appear, That some sorts of madder very useful for dyeing cannot be imported so pure and clean, as by one Act passed the last Session of this present Parliament (intituled, *An Act for the importation of madder pure and unmixed*) is directed and appointed;" (2) Be it enacted, and it is hereby enacted by the authority aforesaid, That the said Act, and every clause and thing therein contained, be from henceforth utterly void and repealed to all intents, purposes and constructions whatsoever.

No. 5.—1670, March 10: Order of His Majesty King Charles II in Council approving of the Report of the Council of Plantations.

At the Court at Whitehall, the 10th of March, 1670.

Present: THE KING'S MOST EXCELLENT MAJESTY, His Royal Highness the Duke of York, His Highness Prince Rupert, Lord Keeper, Duke of Ormond, Lord Great Chamberlain, Lord Chamberlaine, Earl of Bridgewater, Earl of Sandwich, Earl of Anglesey, Earl of Craven, Earl of Lauderdale, Lord Arlington, Lord Newport, Mr. Treasurer, Mr. Secretary Trevor.

Whereas in pursuance of an order of this Board of the 11th January last, upon the petition of the merchants, owners, and masters of shippes, and inhabitants of the western parts of this Kingdom, adventuring to the Newfoundland in fishing voyages The 519 Right Honorable his Majesty's Council for foreign Plantations did this day represent to the Board, that they have called before them, and heard the petitioners and the other parties concerned, and after due consideration of the best ways and means, of regulating, securing, and improving the fishing trade, in Newfoundland, do humbly offer unto his Majesty as their opinion and advice, That his Majesty would be pleased to grant by way of addition to his former charter an establishment of the powers, rules, and orders for the government of the said fishery as followeth viz.

That all the subjects of his Majesty's Kingdom of England shall and may for ever hereafter peaceably hold and enjoy the freedom of

taking bait, and fishing in any of the rivers, lakes, creeks, harbours or roads, in or about Newfoundland, or in any of the islands adjoining thereto, with liberty to go on shore in any part of the Newfoundland, or the said islands, for the curing, salting, drying, and husbanding of their fish, and making of oil, and for the cutting of all manner of wood, and trees for the building, or making of stages, rooms, train vats, hurdles, ships, boats, and other necessaries, for themselves, and their servants, seamen, and fishermen, and all things which may be useful, or advantageous to their fishing trade, as fully and freely as at any time heretofore hath been used, and enjoyed there by any of the subjects of His Majesty's royal predecessors.

Provided always that they submit unto, and observe all such rules and orders as now are, or hereafter shall be established, by his Majesty, his heirs, or successors, for the government of the said fishery in Newfoundland.

2. That no alien, or stranger be permitted to take bait, or fish in any of the rivers, lakes, creeks, harbours, or roads in Newfoundland, between Cape Race, and Cape Bona Vista, or in any of the islands thereunto adjoining.

3. That according to the establishment of his Majesty's royal father of blessed memory in the 13th year of his reign, no planter or inhabitant in, or upon the said Newfoundland, be permitted to fell, cut down, root up, waste, burn, or destroy any wood, or timber trees, or erect or make any houses, buildings, gardens, &c. or inhabit or plant within six miles of the shore, or in any part of the said Newfoundland, between the Cape de Race, lying in or about 46 degrees of North latitude, and the Cape d'Bonavista lying in or about 49 $\frac{1}{2}$ degrees likewise of North latitude, nor upon any island within ten leagues of the shore between the said capes.

4. That no planter or inhabitant in Newfoundland, do take up, or possess any of the stages, cookrooms, &c. beaches, or places for taking bait, or fishing, before the arrival of the fishermen out of England, and that they be all provided.

5. That the clause in his Majesty's charter of confirmation of rules, and orders for regulating the Newfoundland fishery bearing date the 26. of January in the 12th year of his Majesty's reign concerning the transportation of men thither, may be altered, and enlarged in manner following. That is to say

That no master, or owner of any fishing ship do transport, or carry any seamen, fishermen, or other persons in his ship to Newfoundland, other than such as are truly belonging to his or their ships company, and such as are engaged in the voyage and share, or shares, or hire of the said ship.

6. That no master or owner of any fishing ship do transport or carry in any one ship for a fishing voyage, more than sixty persons to one hundred tons burthen of the said ship, and so proportionately for all ships of a greater, or lesser burden.

7. That it be strictly provided for, and commanded, that every fifth man yearly carried out of England, be a greenman (that is to say) not a seaman.

8. That the masters and owners of all fishing ships trading out of England to Newfoundland be enjoyned according to the number of men in their respective ships, to provide in England victuals, and other necessaries (salt only excepted) for the whole voyage, or

fishing season, for themselves and companies, and to put the same on shipboard before the going out of port here.

9. That it be likewise strictly commanded that no fishing ship or company do depart out of England directly for Newfoundland on any fishing voyage in any year, before the first day of March, nor to the Isles of Cape d'Verde intending from thence to Newfoundland before the 15th day of January.

10. That from henceforward all masters of fishing ships trading to Newfoundland shall yearly before the beginning of their voyage, give bond in His Majesty's name to the mayors for the time being of the ports of Southampton, Poole, Weymouth, Melcombe Regis, Lyne, Exeter, Dartmouth, Plymouth, East Looe, Fowey, Falmouth, Biddiford, Barnstaple, and Bristol, and all other ports and towns upon the coast of England respectively, according to the port or place from whence they shall set out, under the penalty of one hundred pounds, with condition that they shall not carry out any seamen, fishermen, or other persons, other than such as are truly belonging to his or their, or other ships company, and such as are engaged in the voyage, and share, or shares, or hire of the said ship or ships respectively.

And that they shall bring or cause to be brought back into England, all such seamen, fishermen and other persons as they shall carry out (mortality and danger of the seas excepted) and also such persons as shall be employed from the Newfoundland in English ships with fish for market voyages.

Provided nevertheless that if any of the said seamen, fishermen, &c., shall run away, or desert their ships, the master or masters of such ship or ships, paying such person's share or shares or hire to the mayor of the place from whence the said ship set out, shall be discharged of his or their bond or bonds respectively.

Or if no complaint shall be made against the said masters in three months after their return from the said voyage, then his or their bonds to be delivered up unto them respectively.

11. That no master of any fishing ship or others do take up or use any stage already built, in any port, harbour, or bay, between Cape Race and Cape Bona Vista, with a less number of men than twenty-five, who are to be of one entire company.

520 12. That no fisherman or seaman carried out as aforesaid be suffered to remain in Newfoundland in the winter, after the fishing voyage or season is ended.

13. That the Admirals, Vice-Admirals, and Rear-Admirals of and in every port and harbour in Newfoundland for the time being be authorized and required to preserve peace and good government among the seamen and fishermen in their respective harbours, as well as on the shore, to see his Majesty's rules and orders concerning the regulation of the fishery duly put in execution, and to cause all offenders to be apprehended, that they may be punished according to their demerits.

14. That the Admirals, Vice-Admirals, and Rear-Admirals in their respective harbours, bays, &c., may according to ancient custom be empowered to apprehend and secure all offenders for any crime committed in Newfoundland, on shore, or at sea, and to bring them into England.

15. That the several Admirals in their respective harbours and bays in Newfoundland do, on or about the 20th day of September yearly, publish in their said harbours and upon the shore his Majesty's orders and commands forbidding all seamen or fishermen to stay or remain in or upon the said Newfoundland, after the last day of October.

16. And that the said Admirals do yearly keep journals of their proceedings there, and at their return into England, deliver copies of them, with an account of the number of ships, boats, stages, train vats, &c., and of the seamen and fishermen belonging to and employed in their respective harbours, unto his Majesty's Council for foreign Plantations.

17. That the several Recorders, or their deputies, and the Justices of the Peace for the time being, of the respective ports, towns, and places beforenamed, and one neighbouring Justice of the Peace for the same county, may be joined in commission with the mayors of the said ports, towns, and places respectively, and any two, or more of them, be empowered to take cognizance of all complaints made of any offenders against the laws, rules, and orders established by his Majesty for regulating the Newfoundland fishery, and to hear and determine the same according as is provided and directed to the respective mayors alone by his Majesty's said charter of confirmation.

18. That reasonable fines, penalties, and forfeitures may be imposed upon all masters, and owners of ships, seamen, fishermen, and other persons employed in or about the fishery in Newfoundland as shall offend in breaking his Majesty's rules and orders established for the said fishery.

And that all such fines, penalties, and forfeitures relating to the fishing trade may be apportioned out, one third part of them to the use of his Majesty, one third part to the use of the poor of the place where such offence shall be prosecuted, and the other third part to the informer, that shall prosecute the same, or otherwise in such manner, and to such uses as his Majesty shall think fit.

All which having been this day read and seriously considered at the board, his Majesty was pleased to approve thereof, and did order, that the several rules, powers, and authorities above recited be added to, and inserted in the charter formerly granted by his Majesty for the regulating of the Newfoundland fishery.

And to that end Sir Heneage Finch Kn^t and Bar^t his Majesty's Attorney-General, is hereby authorized and required to prepare a bill for his Majesty's royal signature to pass the great seal of this kingdom containing his Majesty's confirmation of the said charter, with the additional powers and authorities, hereby ordered to be inserted therein.

And whereas the said Council for foreign Plantations did further represent unto his Majesty as their humble opinion and advice, that the clause in his Majesty's said charter of confirmation, which concerneth the powers of the earl marshal in the punishing of felonies, murders, &c. committed in Newfoundland, may be reviewed, there being at present no such office or court, and in lieu thereof if his Majesty shall think fit, that a certaine way of judicature may be established, for the hearing and determining of treasons, felonies, and murders, and all criminal matters committed or done in Newfoundland, on the shore or at sea, according to law and equity, and for the awarding of execution thereupon, as the cause shall require.

It was thereupon ordered by his Majesty in council, that the said Attorney-General, with the assistance of his Majesty's council learned do review the said clause, and consider of establishing a certain way of judicature for the hearing and determining all such cases aforesaid, and the same to present to this Board with all convenient speed.

JOHN NICHOLAS.

No. 6.—1696: *British Statute, 7 & 8 Wm. III, Cap. 22.*

AN Act for preventing Frauds and regulating Abuses in the Plantation Trade.

Whereas notwithstanding divers Acts made for the encouragement of the navigation of this Kingdom, and for the better securing and regulating the Plantation Trade, more especially one Act of Parliament made in the twelfth year of the reign of the late King *Charles the Second*, intituled, *An Act for increasing of Shipping and Navigation*, another Act made in the fifteenth year of the reign of his said late Majesty, intituled, *An Act for the Encouragement of Trade*, another Act made in the two and twentieth and three and twentieth years of his said late Majesty's reign, intituled, *An Act to prevent the Planting of Tobacco in England, and for regulating the Plantation Trade*, another Act made in the twenty-fifth year of the reign of his said late Majesty, intituled, *An Act for the Encouragement of the Greenland and Eastland Trades, and for the better securing the Plantation Trades*, great abuses are daily committed, to the prejudice of the English navigation, and the loss of a great part of the Plantation Trade to this Kingdom, by the artifice and cunning of ill-disposed persons: For remedy whereof for the future,

521 II. Be it enacted, and it is hereby enacted and ordained by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, and by the authority of the same, That after the five and twentieth day of *March* one thousand six hundred and ninety-eight, no goods or merchandizes whosoever shall be imported into, or exported out of, any Colony or Plantation to his Majesty, in *Asia, Africa, or America*, belonging, or in his possession, or which may hereafter belong unto, or be in the possession of his Majesty, his heirs or successors, or shall be laden in, or carried from any one port or place in the said Colonies or Plantations to any other port or place in the same, the Kingdom of *England*, Dominion of *Wales*, or town of *Berwick upon Tweed*, in any ship or bottom, but what is or shall be of the built of *England*, or of the built of *Ireland*, or the said Colonies or Plantations, and wholly owned by the people thereof, or any of them, and navigated with the masters and three fourths of the mariners of the said places only (except such ships only as are or shall be taken as prize, and condemnation thereof made in one of the Courts of Admiralty in *England, Ireland*, or the said Colonies or Plantations, to be navigated by the master and three fourths of the mariners *English*, or of the said Plantations as aforesaid, and whereof the property doth belong to *English men*; and also except for the space of three years, such foreign-built ships as shall be employed by the commissioners of his Majesty's navy for the time being,

or upon contract with them, in bringing only masts, timber and other naval stores for the King's service from his Majesty's Colonies or Plantations to this Kingdom, to be navigated as aforesaid, and whereof the property doth belong to *English* men) under pain of forfeiture of ship and goods; one third part whereof to be to the use of his Majesty, his heirs and successors, one third part to the Governor of the said Colonies or Plantations, and the other third part to the person who shall inform or sue for the same, by bill, plaint or information, in any of his Majesty's Courts of Record at *Westminster*, or in any Court in his Majesty's Plantations, where such offence shall be committed.

III. And be it further enacted by the Authority aforesaid, That (from and after the said five-and-twentieth day of *March*) goods or merchandizes may be exported or imported to and from this Kingdom, the Colonies, Plantations and places aforesaid, in any such ships as are or shall be taken as prize, and whereof condemnation shall be made in one of the Courts of Admiralty aforesaid, and shall be navigated as aforesaid, by the master, three fourths of the mariners *English*, and whereof the property shall belong to *English* men, and also masts, timber, and other naval stores for his Majesty's service, for the space of three years, may be imported from his Majesty's Colonies or Plantations to this Kingdom, in such foreign-built ships as shall be employed by the Commissioners of the navy for the time being, or by contract with them; any law or statute to the contrary notwithstanding.

"IV. And whereas by one Clause in the said Act passed in the twelfth year of the reign of the late King *Charles* the Second, intituled, *An Act for the encouraging and increasing of Shipping and Navigation*, all Governors of his Majesty's Colonies or Plantations in *Asia*, *Africa*, or *America*, are required to take a solemn oath to do their utmost that every the Clauses therein before mentioned, and all the matters and things therein contained, shall be punctually and *bona fide* observed according to the true intent and meaning thereof, so that the said Governors are not strictly obliged by that oath to put in execution the subsequent Clauses of the said Act, although some of the Clauses following are of great importance, and tend greatly to the security of the Plantation trade: And whereas divers other good laws have been made for the better regulating and securing the Plantation trade since the last mentioned Act;" be it further enacted by the authority aforesaid, That all the present Governors and Commanders in Chief of any *English* Colonies or Plantations, shall, before the five and twentieth day of *March* one thousand six hundred and ninety-seven, and all who hereafter shall be made Governors or Commanders in Chief of the said Colonies or Plantations, or any of them, before their entrance into their government, shall take a solemn oath to do their utmost, that all the clauses, matters and things, contained in the before recited Acts of Parliament heretofore passed, and now in force, relating to the said Colonies and Plantations, and that all and every the clauses contained in this present *Act*, be punctually and *bona fide* observed, according to the true intent and meaning thereof (which oath shall be taken before such person or persons as shall be appointed by his Majesty, his heirs and successors, who are hereby authorized to administer the same) so far as appertains unto the said Governors or Com-

manders in Chief respectively; and upon complaint and proof made before his Majesty, his heirs and successors, or such as shall be by him or them thereunto authorized and appointed, by the oath of two or more credible witnesses, that any the said Governors or Commanders in Chief have neglected to take the said oath at the times aforesaid, or have been wittingly or willingly negligent in doing their duty accordingly, the said Governor so neglecting or offending shall be removed from his government, and forfeit the sum of one thousand pounds sterling.

"V. And whereas by the said Act of the fifteenth of King Charles the Second, intituled, *An Act for the Encouragement of Trade*, the Governors of the Plantations are empowered to appoint an officer for the performance of certain things in the said Act mentioned, which said officer is there commonly known by the name of the *Naval Officer*: And whereas through the connivance or negligence of the persons so appointed by the Governors of the said plantations, divers frauds and abuses are or have been committed;" Be it therefore enacted by the Authority aforesaid, That all and every the said officers already appointed shall, within two months after notice of this Act in the respective Plantations, or as soon as conveniently it may be, give security to the Commissioners of the Customs in *England* for the time being, or such as shall be appointed by them, for his Majesty's use for the true and faithful performance of their duty; and all and every person or persons, who shall hereafter be appointed to the said office or employment, shall within two months, or as soon as conveniently it may be, after his or their entrance upon the said office or employment, give sufficient security to the Commissioners of the customs as aforesaid, for his Majesty's use, for the true and faithful performance of his or their duty; and in default thereof, the person or persons neglecting or refusing to give such security, shall be disabled to execute the said office or employment; and until such security given, and the person appointed to the said office or em-
522 ployment be approved by the Commissioners of the Customs as aforesaid, the respective Governor or Governors shall be answerable for any of the offences, neglects or misdemeanors, of the person or persons so by him or them appointed.

VI. And for the more effectual preventing of frauds, and regulating abuses in the Plantation trade in *America*, be it further enacted by the authority aforesaid, That all ships coming into, or going out of, any of the said Plantations, and lading or unlading any goods or commodities, whether the same be his Majesty's ships of war, or merchant ships, and the masters and commanders thereof, and their ladings, shall be subject and liable to the same rules, visitations, searches, penalties and forfeitures, as to the entering, lading or discharging their respective ships and ladings, as ships and their ladings, and the commanders and masters of ships, are subject and liable unto in this Kingdom, by virtue of an Act of Parliament made in the fourteenth year of the reign of King Charles the Second, intituled, *An Act for preventing Frauds, and regulating Abuses in his Majesty's Customs*: And that the officers for collecting and managing his Majesty's revenue, and inspecting the Plantation trade, in any of the said Plantations, shall have the same powers and authorities, for visiting and searching of ships, and taking their entries, and for seizing and securing or bringing on shore any of the goods prohibited to be im-

ported or exported into or out of any of the said Plantations, or for which any duties are payable, or ought to have been paid, by any of the before mentioned Acts, as are provided for the officers of the Customs in *England* by the said last mentioned Act made in the fourteenth year of the reign of King Charles the Second, and also to enter houses or warehouses, to search for and seize any such goods; and that all the wharfingers, and owners of keys and wharfs, or any lightermen, bargemen, watermen, porters, or other persons assisting in the conveyance, concealment or rescue of any of the said goods, or in the hindring or resistance of any of the said officers in the performance of their duty, and the boats, barges, lighters or other vessels employed in the conveyance of such goods, shall be subject to the like pains and penalties as are provided by the same Act made in the fourteenth year of the reign of King Charles the Second, in relation to prohibited or uncustomed goods in this Kingdom; and that the like assistance shall be given to the said officers in the execution of their office, as by the said last mentioned Act is provided for the officers in *England*; and also that the said officers shall be subject to the same penalties and forfeitures, for any corruptions, frauds, connivances, or concealments, in violation of any the before mentioned laws, as any officers of the Customs in *England* are liable to, by virtue of the said last mentioned Act; and also that in case any officer or officers in the Plantations shall be used or molested for any thing done in the execution of their office, the said officer shall and may plead the General Issue, and shall give this or other Custom Acts in evidence, and the Judge to allow thereof, have and enjoy the like privileges and advantages, as are allowed by law to the officers of his Majesty's Customs in *England*.

VII. And it is hereby further enacted, That all the penalties and forfeitures before mentioned, not in this Act particularly disposed of shall be one third part to the use of his Majesty, his heirs and successors, and one third part to the Governor of the Colony or Plantation where the offence shall be committed, and the other third part to such person or persons as shall sue for the same, to be recovered in any of his Majesty's Courts at *Westminster*, or in the Kingdom of *Ireland*, or in the Court of Admiralty held in His Majesty's Plantations respectively, where such offence shall be committed, at the pleasure of the officer or informer, or in any other Plantation belonging to any subject of *England*, wherein no essoin, protection, or wager of law, shall be allowed; and that where any question shall arise concerning the importation or exportation of any goods into or out of the said Plantation, in such case the proof shall lie upon the owner or claimer, and the claimer shall be reputed the importer or owner thereof.

"VIII. And whereas in some of His Majesty's American Plantations, a Doubt or misconstruction has arisen upon the before mentioned Act, made in the five and twentieth year of the reign of King Charles the Second, whereby certain duties are laid upon the commodities therein enumerated (which by law may be transported from one Plantation to another for the supply of each others wants) as if the same were by the payment of those duties in one Plantation, discharged from giving the securities intended by the aforesaid Acts, made in the twelfth, two and twentieth, and three and twentieth years of the reign of King Charles the Second, and conse-

quently be at liberty to go to any foreign market in *Europe*, without coming to *England*, *Wales* or *Berwick*." It is hereby further enacted and declared, that notwithstanding the payment of the aforesaid duties in any of the said Plantations, none of the said goods shall be shipped or laden on board until such security shall be given as is required by the said Acts, made in the twelfth, two and twentieth, and three and twentieth years of the reign of King Charles the Second, to carry the same to *England*, *Wales*, or *Berwick*, or to some other of his Majesty's Plantations, and so *toties quoties*, as any of the said goods shall be brought to be re-shipped or laden in any of the said Plantations, under the penalty and forfeiture of ship and goods, to be divided and disposed of as aforesaid.

IX. And it is further enacted and declared by the authority aforesaid, That all laws, by-laws, usages or customs, at this time, or which hereafter shall be in practice, or endeavoured or pretended to be in force or practice, in any of the said Plantations, which are in any wise repugnant to the before mentioned laws, or any of them, as far as they do relate to the said Plantations, or any of them, or which are any ways repugnant to this present Act, or to any other law hereafter to be made in this Kingdom, so far as such law shall relate to and mention the said Plantations, are illegal, null and void, to all intents and purposes whatsoever.

" X. And whereas great frauds and abuses have been committed by *Scotch* men and others in the Plantation trade, by obtruding false and counterfeit certificates upon the Governor and officers in the Plantations appointed by His Majesty's Commissioners of the Customs in *England*, of having given security in this Kingdom to bring the ladings of Plantation goods to *England*, *Wales*, or town of *Berwick* upon *Tweed*, as also certificates of having discharged their lading of Plantation goods in this Kingdom, pursuant to section 523 curties taken in the Plantation, and also Cocquets or certificates of having taken in their ladings of *European* goods in *England*, *Wales*, or *Berwick*; by means whereof they may carry the goods of *Scotland*, and other places of *Europe*, without shipping or lading the same in *England*, *Wales*, or *Berwick*, to His Majesty's Plantations, and also carry the goods of the Plantations directly to *Scotland*, or to any other market in *Europe*, without bringing the same into *England*, *Wales*, or town of *Berwick* upon *Tweed*." It is hereby further enacted, that in such cases where the Governor or officers appointed by the Commissioners of the Customs in the Plantations shall have reasonable ground of suspicion that such certificates are false or counterfeit (that is to say) that the certificate of having given security in *England* is false, in such case the governor or officers appointed by the Commissioners of the Customs, shall require and take sufficient security there for the discharge of the Plantation lading in *England*, *Wales*, or town of *Berwick* upon *Tweed*: and in such case where there shall be cause to suspect, that the certificate of having discharged her lading of Plantation goods in this Kingdom is false or counterfeit, the Governor or officers aforesaid shall not cancel or vacate the security given in the Plantation, until he or they shall be informed from the Commissioners of the Customs in *England* that the matter of the said certificate is true; and if any person or persons shall counterfeit, rase or falsify any cocket, certificate, return or permit, for any vessel or goods, or shall knowingly or willingly make

use thereof, such person or persons shall forfeit the sum of five hundred pounds, to be recovered and disposed of as aforesaid, and the cocket, certificate, return or permit so counterfeited, raised or falsified, shall be invalid, and of no effect.

XI. And for the better executing the several Acts of Parliament relating to the Plantation trade, be it enacted by the authority aforesaid, That the Lord Treasurer, Commissioners of the Treasury, and the Commissioners of the Customs in *England* for the time being, shall and may constitute and appoint such and so many officers of the Customs in any city, town, river, port, harbor or creek, of or belonging to any of the islands, tracts of land and proprieties, when and as often as to them shall seem needful; be it also further enacted, That upon any actions, suits and informations that shall be brought, commenced or entered in the said plantations upon any law or statute concerning His Majesty's duties, or ships or goods to be forfeited by reason of any unlawful importations or exportations, there shall not be any jury, but of such only as are natives of *England* or *Ireland*, or are born in His Majesty's said plantations, and also that upon all such actions, suits and informations, the offences may be laid or alleged to be in any Colony, province, county, precinct or division of any of the said plantations where such offences are alleged to be committed, at the pleasure of the officer or informer.

XII. Provided always, That all places of trust in the Courts of Law, or what related to the Treasury of the said Islands, shall, from the making of this Act, be in the hands of the native-born subjects of *England* or *Ireland*, or of the said Islands.

"XIII. And whereas by the said Act made in the two and twentieth and three and twentieth years of the rein of his said late Majesty King Charles the Second, the bonds required to be given in the plantations by virtue of the said Act, for encouraging and increasing of shipping and navigation, are altered, and the word *Ireland* to be left out of the condition of all such bonds; and by the said Act it is enacted and provided, That for such ships or vessels coming from other ports or places, to any of the said plantations, which by the said Act for encouraging and increase of shipping were permitted to trade there, the Governors of such English plantations should, before the said ship or vessel should be permitted to load on board any of the commodities in the said Act particularly mentioned, take bond in manner and to the value mentioned and directed in the above mentioned Act for encouraging and increase of shipping and navigation, for each respective ship or vessel, that such ship or vessel shall carry all the aforesaid goods, that should be laden on board in the said ship, to some other of his Majesty's *English* plantations, or to *England*, *Wales*, or town of *Berwick upon Tweed*: But because no provision hath hitherto been made for the returning and producing certificates within some reasonable limited time, of the landing and discharging such goods, according to the condition of the said bonds, and also because many times it hath happened, that the sureties taken in the said bonds have been persons not resident in the said plantations, but of uncertain and unknown abodes, the said bonds have proved ineffectual to the good purposes intended by the said Acts;" Be it therefore enacted by the authority aforesaid, That in all such bonds, to be hereafter given or taken in the said plantations, the sureties therein named shall be persons of known residence and

ability in the said plantations, for the value mentioned in the said bonds, and that the condition of the said bonds shall be, within eighteen months after the date thereof (the danger of the seas excepted) to produce certificate of having landed and discharged the goods therein mentioned, in one of his Majesty's said Plantations, or in *England, Wales, or Berwick upon Tweed*; otherwise such bond, or copies thereof, being attested under the hand and seal of the Governor or commander in chief to whom such bonds were given, shall be in force and allowed of in any port in *England, Ireland, or the Plantations*, as if the original were produced in court by the prosecutor.

"XIV. And whereas several ships and vessels laden with tobacco, sugars, and other goods of the growth and product of his Majesty's Plantations in *America*, have been discharged in several ports of the Kingdoms of *Scotland* and *Ireland*, contrary to the laws and statutes now in being, under pretence that the said ships and vessels were being driven in thither by stress of weather, or for want of provisions and other disabilities could not proceed on their voyage:" for remedy whereof be it enacted by the authority aforesaid, that from and after the first day of December one thousand six hundred and ninety-six it shall not be lawful, on any pretence whatsoever, to put on shore in the said kingdoms of *Scotland* or *Ireland*, any goods or merchandize of the growth or product of any of his Majesty's Plantations aforesaid, unless the same have been first landed in the Kingdom of *England*, Dominion of *Wales*, or town of *Berwick upon Tweed*, and paid the rates and duties wherewith they are chargeable by law under the penalty of the forfeiture of the ship and goods; three fourths without composition to his Majesty, his heirs and successors, and the other fourth to him or them that shall sue for the same.

524 XV. Provided nevertheless, That if any ship or vessel laden as aforesaid, shall by stress of weather be stranded, or by reason of leakiness, or other disability, shall be driven into any port or place within the kingdom of *Ireland*, and shall not be able to proceed on her voyage; then and in such case only the said goods and merchandizes may be permitted to be put on shore, but shall be delivered into the custody and possession of the collector or chief officer of the Customs of such port or place where the said ship shall be so stranded or driven int^r, there to remain until the said goods and merchandize shall, at the charge of the owner thereof, be put on board some other ship or vessel, in order to be transported and carried to some other port or place within the said Kingdom of *England*, Dominion of *Wales*, or town of *Berwick upon Tweed*, the said officer first stating good and sufficient security for the delivery of the same, according to the true intent and meaning of this Act.

XVI. And be it further enacted by the authority aforesaid, That all persons and their assignees, claiming any right or propriety in any islands or tracts of land upon the continent of *America*, by Charter or Letter Patents, shall not at any time hereafter alien, sell or dispose of any of the said Islands, tracts of land or properties, other than the natural-born subjects of *England, Ireland, Dominion of Wales*, and town of *Berwick upon Tweed*, without the Licence and consent of His Majesty, his heirs and successors, signified by his or their order in Council, first had and obtained; and all governors

nominated and appointed by any such persons or proprietors, who shall be intitled to make such nomination, shall be allowed and approved of by His Majesty, his heirs and successors, as aforesaid, and shall take the oaths enjoined by this and any other Act to be taken by the Governors or Commanders in Chief in other His Majesty's Colonies and Plantations; before their entering upon their respective governments, under the like penalty, as His Majesty's Governors and Commanders in Chief are by the said Acts liable to.

XVII. And for a more effectual prevention of frauds which may be used to elude the intention of this Act, by colouring foreign ships under *English* names; be it further enacted by the authority aforesaid, That from and after the five and twentieth day of *March*, which shall be in the year of our Lord one thousand six hundred ninety-eight, no ship or vessel whatsoever shall be deemed or pass as a ship of the built of *England, Ireland, Wales, Berwick, Guernsey, Jersey*, or any of His Majesty's plantations in *America*, so as to be qualified to trade to, from or in any of the said plantations, until the person or persons claiming property in such ship or vessel shall register the same as followeth, that is to say, If the ship at the time of such Register doth belong to any port of *England, Ireland, Wales*, or to the town of *Berwick* upon *Tweed*, then proof shall be made upon oath of one or more of the owners of such ship or vessel, before the Collector and Controller of His Majesty's Customs in such port; or if at the time of such register the ship belong to any of His Majesty's Plantations in *America*, or to the islands of *Guernsey* or *Jersey*, then the like proof to be made before the Governor, together with the principal officer of His Majesty's Revenue residing on such plantation or island, which oath the said Governors and Officers of the Customs respectively are hereby authorized to administer in the tenor following, *viz.*

JURAT, A. B. That the ship [Name] of [Port] whereof
 [Master's Name] is at present Master, being a [Kind of Built]
 of [Burthen] Tuns, was built at [Place where] in the
 Year [Time when] and that [Owner's Name] of and
 of, &c. are at present Owners thereof; and that no foreigner, directly or
 indirectly, hath any share, or part, or interest therein.

XVIII. Which oath, being attested by the Governor, or Custom Officer respectively, who administered the same, under their hands and seals, shall after having been registered by them, be delivered to the Master of the ship for the security of her navigation, a duplicate of which register shall be immediately transmitted to the Commissioners of His Majesty's Customs in the Port of *London*, in order to be entered in a general register, to be there kept for this purpose, with penalty upon any ship or vessel trading to, from or in any of His Majesty's Plantations in *America*, after the said five and twentieth day of *March*, and not having made proof of her built and property, as is here directed, that she shall be liable, and she is hereby made liable, to such prosecution and forfeiture as any foreign ship (except prizes condemned in the High Court of Admiralty) would for trading with these plantations by this law be liable to.

XIX. Provided always, That all such ships as have been or shall be taken at sea by Letters of Mart or reprizal, and condemnation thereof made in the High Court of Admiralty of *England* as lawful prize, shall be specially registered, mentioning the capture and con-

demnation instead of the time and place of building, with proof also upon oath, that the entire property is *English*, before any such prize shall be allowed the privilege of an *English*-built ship, according to the meaning of this Act.

XX. Provided also, That nothing in this Act shall be construed to require the registering any fisher boats, hoyes, lighters, barges, or any open boats or other vessels (though of *English* or plantation built) whose navigation is confined to the rivers or coasts of the same plantation or place where they trade respectively, but only of such of them as cross the seas to or from any of the lands, islands, places or territories, in this Act before recited, or from one plantation to another.

XXI. And be it further enacted by the Authority aforesaid, That no ship's name registered shall be afterwards changed, without registering such ship *de novo*, which is hereby required to be done upon any transfer of property to another port, and delivering up the former certificate to be cancelled, under the same penalties, and in the like method, as is herein before directed; and that in case there by any alteration of property in the same port, by the sale of one or more shares in any ship after registering thereof, such sale shall always be acknowledged by Indorsement on the certificate of the register before two witnesses, in order to prove that the entire property in such ship remains to some of the subjects of *England*, if any dispute arises concerning the same.

525 No. 7.—1699: *British Statute 10 & 11 Wm. III, Cap. 25.*

An Act to encourage the Trade to Newfoundland.

"WHEREAS the trade of and fishing at *Newfoundland* is a beneficial trade to this kingdom, not only in the employing great numbers of seamen and ships, and exporting and consuming great quantities of provisions and manufactures of this realm, whereby many tradesmen and poor artificers are kept at work, but also in bringing into this nation, by returns of the effects of the said fishery from other countries, great quantities of wine, oil, plate, iron, wool, and sundry other useful commodities, to the increase of His Majesty's revenue, and the encouragement of trade and navigation"; Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from henceforth it shall and may be lawful for all His Majesty's subjects residing within this his realm of *England*, or the dominions thereunto belonging, trading or that shall trade to *Newfoundland*, and the seas, rivers, lakes, creeks, harbours in or about *Newfoundland*, or any of the islands adjoining or adjacent thereunto, to have, use, and enjoy the free trade and traffic, and art of merchandise and fishery, to and from *Newfoundland*, and peaceably to have, use, and enjoy, the freedom of taking bait and fishing in any of the rivers, lakes, creeks, harbours, or roads, in or about *Newfoundland*, and the said seas, or any of the islands adjacent thereunto, and liberty to go on shore on any part of *Newfoundland*, or any of the

said islands for the curing, salting, drying, and husbanding of their fish, and for making of oil, and to cut down woods and trees there for building and making or repairing of stages, ship-rooms, train-vats, hurdles, ships, boats, and other necessaries for themselves and their servants, seamen, and fishermen, and all other things which may be useful or advantageous to their fishing trade, as fully and freely as at any time heretofore hath been used or enjoyed there by any of the subjects of His Majesty's Royal predecessors, without any hindrance, interruption, denial or disturbance of or from any person or persons whatsoever; and that no alien or stranger whatsoever (not residing within the kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*) shall at any time hereafter take any bait, or use any sort of trade or fishing whatsoever in *Newfoundland*, or in any of the said islands or places abovementioned.

II. And for the preserving the said harbours from all annoyances; Be it further enacted by the authority aforesaid, That from and after the twenty-fifth day of *March* one thousand seven hundred, now next coming, no ballast, prest stones, or anything else hurtful to or annoying any of the harbours there, shall be thrown out of any ship or otherwise, by any person or persons whatsoever, to the prejudice of any of the said harbours, but that all such ballast and other things shall be carried on shore, and be laid where they may do no annoyance.

III. And be it further enacted by the authority aforesaid, that no person or persons whatsoever shall (at his departure out of the said country, or at any other time) destroy, deface, or do any detriment to any such stage or cook-room; or to the flakes, spikes, nails, or any other thing whatsoever thereto belonging, as he or they shall fall into at his or their coming into the said country, but that he or they shall (during his or their stay there) content him and themselves with such stage or stages only as are needful for him or them, and shall also (at his or their departure thence) leave all such his or their stage or stages, without doing or causing to be done any wilful damage to any of them; and that for the repairing of such stage or stages as he or they shall so take, during his or their abode there, the same shall be done with timber fetcht out of the woods there, and not by the ruining, breaking down, demolishing, prejudicing, or any wise injuring the stage or stages of any other person or persons whatsoever.

IV. And be it further enacted by the authority aforesaid, That (according to the ancient custom there used) every such fishing ship from *England*, *Wales*, or *Berwick*, or such fishermen as shall, from and after the said twenty-fifth day of *March*, first enter any harbour or creek in *Newfoundland*, in behalf of his ship, shall be admiral of the said harbour or creek during that fishing season, and for that time shall reserve to himself only so much beach or flakes, or both, as are needful for the number of such boats as he shall there use, with an overplus only for the use of one boat more than he needs, as a privilege for his first coming thither; and that the master of every of such second fishing ship, as shall enter any such harbour or creek, shall be vice admiral of such harbour or creek during that fishing season; and that the master of every such fishing ship next coming, as shall enter any such harbour or creek, shall be rear admiral of such harbour or creek during that fishing season; and that the

master of every fishing ship there, shall content himself with such beach or flakes, as he shall have necessary use for, without keeping or detaining any more beach or flakes, to the prejudice of any such other ship or vessel as shall arrive there; and that such person or persons as are possessed of several places in several harbours or creeks there, shall make his or their election of such place as he or they shall choose to abide in; and shall also, within eight and forty hours after any after-comer or after-comers into such place or places shall demand such his or their resolution touching such his or their election (if the weather will so soon permit, or so soon after as the weather will permit) give or send his or their resolution to such after-comer or after-comers, touching such his or their election of such place as he or they shall so choose to abide in for the fishing season, to the end that such after-comer or after-comers may likewise choose his or their place or places of his or their abode there; and in case any difference shall arise touching the said matters, the admirals of the respective harbours where such differences shall arise, or any

two of them, shall proportion the place to the several ships, in
526 the several harbours they fish in, according to the number of boats which each of the said ships shall keep.

"V. And whereas several inhabitants in *Newfoundland*, and other persons, have, since the year of our Lord one thousand six hundred eighty-five, ingrossed and detained in their own hands, and for their own private benefit, several stages, cook-rooms, beaches, and other places in the said harbours and creeks (which before that time belonged to fishing ships, for taking of bait, and fishing and curing their fish) to the great prejudice of the fishing ships that arrive there in the fishing season, and sometimes to the overthrow of some of their voyages, and to the great discouragement of the traders there;" Be it further enacted by the authority aforesaid, That all and every such person and persons, as since the said year of our Lord one thousand six hundred eighty-five, have or hath taken, seized or detained any such stage, cook-room, beach, or other place for taking bait or fishing, or for the drying, curing or husbanding of fish, shall on or before the said twenty-fifth day of *March* relinquish, quit and leave, to the public use of the fishing ships arriving there, all and every the said stages, cook-rooms, beaches and other places for taking bait and fishing, and for the drying, curing and husbanding of fish.

VI. And for the preventing the ingrossing and detaining of all such stages, cook-rooms, beaches and other places, by any person or persons for the time to come; Be it enacted by the authority aforesaid, That no fisherman or inhabitant of *Newfoundland*, or any other person or persons whatsoever, shall, at any time after the said twenty-fifth day of *March*, seize, take up or possess any of the stages, cook-rooms, beaches or other places, which at any time since the said year of our Lord one thousand six hundred eighty-five, did or at any time hereafter shall belong to any fishing ship or ships, for taking bait or fishing, or for drying, curing, or husbanding of fish, before the arrival of the fishing ships out of *England*, *Wales*, and *Berwick*, and until all such ships shall be provided with stages, cook-rooms, beaches and other places for taking bait and fishing, and for drying, curing and husbanding of fish.

VII. Provided always, That all such persons, as since the twenty-fifth day of *March*, one thousand six hundred eighty-five, have built, cut out or made, or at any time hereafter shall build, cut out or make, any houses, stages, cook-rooms, train-vats, or other conveniences, for fishing there, that did not belong to fishing ships since the said year one thousand six hundred eighty-five, shall and may peaceably and quietly enjoy the same to his or their own use, without any disturbance of or from any person or persons whatsoever.

VIII. And be it further enacted by the authority aforesaid, That all and every person or persons whatsoever, that shall go over with their servants to *Newfoundland*, to keep boats on a fishing voyage, commonly called *by-boat keepers*, shall not pretend to or meddle with any house, stage, cook-room, train-vat, or other conveniency, that did belong to fishing ships since the year one thousand six hundred eighty-five, or shall be cut out or made by ships, from and after the said twenty-fifth day of *March* one thousand seven hundred.

IX. And be it further enacted by the authority aforesaid, That every master of a by-boat or by-boats shall carry with him at least two fresh men in six (*viz.*) one man that hath made no more than one voyage, and one man who hath never been at sea before; and that every inhabitant shall be obliged to employ two such fresh men, as the by-boat keepers are obliged for every boat kept by them; and further, that all masters of fishing ships shall carry with them, in their ship's company, at least one such fresh man that never was at sea before, in every five men they carry; and that the master of each such by-boat, and each such fishing ship, shall make oath before the collector, or other principal officer of the customs of the port or ports from whence such ship intends to sail, that each ship and by-boat's company have such fresh men therein as this act directs; and that the said officer or officers is and are hereby empowered and required to administer the aforesaid oath to the said masters of ships and by-boats, and give a certificate thereof under his hand, without any fee, gratuity or reward for so doing.

X. And be it further enacted by the authority aforesaid, That every master or owner of any fishing ship going to *Newfoundland* (after the said twenty-fifth day of *March*) shall have in his ship's company every fifth man a green-man (that is to say) not a seaman, or having been ever at sea before.

XI. And be it further enacted by the authority aforesaid, That no person or persons whatsoever shall at any time, after the said twenty-fifth day of *March*, obliterate, expunge, cut out, deface, or any wise alter or change the mark or marks of any boat or boats, train-vat or train-vats, belonging to any other person or persons, whereby to defraud or prejudice the right owner or owners thereof, nor convert to his or their own use any boat or boats, train-vat or train-vats, belonging to any other person or persons, without his or their consent or approbation, nor remove nor take away any such boat or train-vat from the place or places where they shall be left by the owner or owners thereof, except in case of necessity, and also upon giving notice thereof to the admiral of the harbour or place where such boat or train-vat shall be left by the owner or owners, to the end that the right owners thereof may know what is become of them.

XII. And be it enacted by the authority aforesaid, That no person or persons whatsoever shall, at any time after the said twenty-

fifth day of *March*, rind any of the trees there standing or growing upon any occasion whatsoever, nor shall by any ways or means whatsoever set on fire any of the woods of the said country, or do or cause to be done any damage, detriment or destruction to the same, for any use or uses whatsoever, except only for necessary fuel for the ships and inhabitants, and for the building and necessary repairs of houses, ships, boats and train-vats, and of the stages, cook-rooms, beaches and other places for taking bait and fishing, and for drying, curing and husbanding fish there; and also that no person or persons whatsoever shall, at any time after the said twenty-fifth day of *March*, cast anchor, or do any other matter or thing, to the annoyance or hindering of the hauling of seines in the accustomary baiting

places, or shoot his or their seine or seines within or upon the
527 seine or seines of any other person or persons whatsoever; and

also that no person or persons whatsoever shall, at any time after the said twenty-fifth day of *March*, steal, purloin or take out of the net or nets of any other person or persons whatsoever, lying adrift, or drover, for bait by night, nor steal, purloin or take away any bait out of any fishing boat or boats, or any net or nets belonging to any other person or persons.

"XIII. And whereas several persons that have been guilty of thefts, robberies, murders and other felonies upon the land in *Newfoundland*, and the islands thereunto adjacent, have many times escaped unpunished, because the trial of such offenders hath heretofore been ordered and adjudged in no other court of justice, but before the Lord High Constable, and Earl Marshal of *England*: " For reformation thereof, and for the more speedy and effectual punishment of such offences for the time to come, be it enacted by the authority aforesaid, That all robberies, murders and felonies, and all other capital crimes whatsoever, which, at any time or times after the said twenty-fifth day of *March* shall be done and committed in or upon the land in *Newfoundland*, or in any of the islands thereunto belonging, shall and may be enquired of, tried, heard, determined and adjudged in any shire or county of this kingdom of *England*, by virtue of the King's commission or commissioners of *oyer* and *terminer*, and gaol delivery, or any of them, according to the laws of this land used for the punishment of such robberies, murders, felonies, and other capital crimes done and committed within this realm.

XIV. And be it further enacted by the authority aforesaid, That the admirals of and in every port and harbour in *Newfoundland* for the time being, be and are hereby authorized and required (in order to preserve peace and good government amongst the seamen and fishermen, as well in their respective harbours, as on the shore) to see the rules and orders in this present act contained, concerning the regulation of the fishery there duly put in execution; and that each of the said admirals do yearly keep a journal of the number of all ships, boats, stages, and train-vats, and of all the seamen belonging to and employed in each of their respective harbours, and shall also (at their return to *England*) deliver a true copy thereof, under their hands, to His Majesty's Most Honourable Privy Council.

XV. And be it further enacted by the authority aforesaid, That in case any difference or controversy shall arise in *Newfoundland*, or the islands thereunto adjoining, between the masters of fishing ships

and the inhabitants there, or any by-boat keeper, for or concerning the right and property of fishing rooms, stages, flakes, or any other building or conveniency for fishing or curing of fish, in the several harbours or coves, the said differences, disputes and controversies, shall be judged and determined by the fishing admirals, in the several harbours and coves: and in case any of the said masters of fishing ships, by-boat keepers or inhabitants, shall think themselves aggrieved by such judgment or determination, and shall appeal to the commanders of any of His Majesty's ships of war, appointed as convoys for *Newfoundland*, the said commander is hereby authorised and impowered to determine the same, pursuant to the regulation in this Act.

XVI. And to the end that the inhabitants, fishermen, seamen, and all and every other person and persons residing or being at *Newfoundland*, or any the said islands, or other places, may with all devotion join in their solemn prayers and addresses to Almighty God, for the obtaining of His blessing upon their persons and endeavours; Be it hereby enacted, That all and every the inhabitants of *Newfoundland*, or the said islands or places adjacent near thereto, shall strictly and decently observe every Lord's Day, commonly called *Sunday*; and that none of the said inhabitants (who keep any tavern, alehouse, or other public house for entertainment) shall entertain or sell, vend, utter or dispose of to any fisherman, seaman or other person whatsoever, upon any Lord's Day or *Sunday*, any wine, beer, ale, cider, strong waters or tobacco, or any other liquor or liquors whatsoever.

"XVII. And whereas by an Act of Parliament made in the eighth and ninth years of His Majesty's reign, intituled, *An Act for granting to His Majesty a further subsidy of tonnage and poundage upon merchandises imported, for the term of two years and three quarters, and an additional land tax for one year, for carrying on the war against France*; and by another Act made in the ninth and tenth years of His Majesty's reign, intituled, *An Act for granting to His Majesty a further subsidy of tonnage and poundage, towards the raising a yearly sum of seven hundred thousand pounds, for the service of His Majesty's household, and other uses therein mentioned, during His Majesty's life*, an additional duty of twelve pence on every twenty shillings value of all goods and merchandises imported (all manner of fish *English* taken excepted) is granted to His Majesty, his heirs and successors; and whereas some doubt hath arisen, whether oil, blubber, and fins, taken and imported by the company of merchants of *London* trading to *Greenland*, are not liable to the said duty;" be it therefore enacted by the authority aforesaid, That all whalefins, oil, and blubber, taken and imported by the ships of the company of merchants of *London* trading to *Greenland*, were not nor are intended to be charged or made liable to the duty of twelve pence for every twenty shillings value of goods imported, charged in the aforesaid Acts, but that the whalefins, oil, and blubber, taken and imported as aforesaid, and also all whalefins, oil, and blubber of *English* fishing, taken in the seas of *Newfoundland*, or any of the seas belonging to any of His Majesty's plantations or colonies, and imported into this kingdom by any of His Majesty's subjects in *English* shipping, were, and are hereby declared to be free of the said duties, as all fish of *English* taking; the aforesaid Acts, or any thing therein contained to the contrary in any wise notwithstanding.

An Act for the better enabling the Master, Wardens, and Assistants of Trinity House, to rebuild the Light House on the Edystone Rock.

“Whereas in and by one Act of Parliament made in the eighth year of the reign of our late Sovereign Lady Queen Elizabeth, entitled, *An Act to enable the Master, Wardens, and Assistants of Trinity House at Deptford Strand, to erect Sea Marks, &c.* They the said Master, Wardens, and Assistants are impowered to erect and set up beacons, marks, and signs for the sea, needful for avoiding the dangers, and to renew, continue, and maintain the same, in such manner as in the said Act is mentioned: And whereas there now is, and time out of mind hath been, a very dangerous rock, called the *Edystone*, lying off of *Plymouth*, in the County of *Devon*, upon which divers ships and vessels have been cast away, and the lives and goods of many subjects of this Kingdom lost and destroyed: And whereas upon application some time since made to the said Master, Wardens, and Assistants, by great numbers of Masters and Owners of shipping, to have a Light House erected upon the said Rock, offering and agreeing, in consideration of the great charge, difficulty, and hazard of such an undertaking, to pay to the said Master, Wardens, and Assistants, one penny *per ton* outwards, and the like inwards, for all ships and vessels which should pass by such Light House (Coasters excepted, who shall pay twelve pence only for each voyage;) they the said Master, Wardens, and Assistants, having a due regard to the safety and preservation of the shipping and navigation of this Kingdom, did in the year of Our Lord one thousand six hundred and ninety-six, cause a Light House to be begun to be erected on the said Rock, and in three years time a Light was placed therein; and the said Light House in the term of five years was, with much hazard and difficulty, and a very great expense, fully built and completed, to the great satisfaction of the flag officers and commanders of the fleet and ships of war, and of all others concerned in trade and navigation, the same being not only useful for avoiding that dangerous Rock upon which it was built, but also a guide and direction to ships passing through the Channel from and to all parts of the world: And whereas the said Light House was preserved and kept up for several years, notwithstanding the great force and violence of the wind and sea, (to which it was exposed) until the late dreadful storm in November one thousand seven hundred and three, when the same was blown down and destroyed: And whereas it was found by experience, that the said Light House (during the standing thereof) was of public use and benefit to this Kingdom, a means to preserve Her Majesty’s ships of war, and the shipping, lives, and estates of Her subjects, and was useful and beneficial to navigation; and forasmuch as the speedy rebuilding the said Light House is absolutely necessary for avoiding the dangers attending the navigation and trade of this Kingdom, and in regard the same is a work of great charge, hazard, and expense, and all due and proper encouragement ought to be given thereunto; to the end therefore that the said Master, Wardens, and Assistants, may be encouraged to new erect and build, or cause to be new erected and built, the said Light House, with all convenient speed, and constantly

to keep and maintain the same for the benefit of the navigation and trade of this Kingdom;

"Be it enacted, &c. Master, Wardens, and Assistants of Trinity House, to new erect a Light House on the *Edystone Rock*. Duties to be paid by all ships, &c. passing by the same, *viz.* All *English* ships which shall pass by the said Light House (except Coasters) one penny *per ton* outward bound, and one penny *per ton* inward bound, of the merchant one moiety, and of the owner the other moiety; and alien ships, two pence *per ton*; and every Coaster, two shillings for each Time."

No. 9.—1709: *British Statute, 8 Anne, Cap. 17.*

An Act for explaining and making more effectual an Act for the better enabling the Master, Wardens, and Assistants of Trinity House to rebuild the Light House on the Edystone Rock.

"Whereas in and by one Act of Parliament made in the fourth and fifth Years of the Reign of her present Majesty Queen Anne, intituled, *An Act for the better enabling the Master, Wardens, and Assistants of Trinity House to rebuild the Light House on the Edystone Rock*; It is enacted, That from and after the placing a Light useful for Shipping, in the Light House intended to be rebuilt on the said Rock, there shall be paid to the said Master, Wardens, and Assistants, their Successors, and Assigns, by the Masters and Owners of all *English* Ships, Hoys and Barques, which shall pass by the same (except Coasters) the Duty of one Penny *per Ton* outwards bound, and also one Penny *per Ton* inwards bound; that is to say, of the Merchant one Moiety, and of the Owner of the Ship, Hoy or Barque, the other Moiety; and of all such Strangers or Aliens Ships and Vessels as shall happen to pass by the said Light House, the sum
529 of two Pence for every Ton of the Burden of the said Ship or Vessel; and that every Coaster passing by the said Light House shall pay the Duty of two Shillings, and no more, for every Time they shall pass by the said Light House; the said Duties to be collected by such persons as the said Master, Wardens, and Assistants, or their Successors, shall appoint, in such Port or Place whence such ship, Hoy or Barque shall set forth, or where such Ship Hoy or Barque shall arrive, before they load or unload the Goods therein; and to be recovered by Action of Debt, in any Court of Record at *Westminster*, wherein no Essoin, Wager of Law, or Protection shall be allowed, nor more than one Impariment: And whereas the said Master, Wardens and Assistants, having a due Regard to the Safety and Preservation of the Shipping and Navigation of this Kingdom, did, soon after the passing of the said Act, cause the said Light House to be begun, and to be rebuilt, and by the great Care and Diligence of the Persons employed therein, the said Work was carried on with such Expedition, that a Light useful for Shipping was placed therein on the eighth and twentieth Day of *July* one thousand seven hundred and eight; and the said Light House hath since, with much Hazard and Difficulty, and a very great Expence, been fully built and completed, to the great Satisfaction of the Flag Officers and Commanders of her Majesty's Fleet and Ships of War, and of all others concerned

in Trade and Navigation: And whereas since the rebuilding of the said Light House, several Foreign Ships that passed by, and had the Benefit of the said Light, and arrived in some of the Ports of the Kingdom of *Ireland*, have avoided Payment of the said Duties, upon Pretence that the said Act did not extend to the said Kingdom of *Ireland*"; For Prevention whereof, and to the End a Work of that public Nature, and so greatly beneficial to Navigation, may have all due and proper Encouragement;

"Be it enacted, &c. That respective Duties in the said Act, to be paid by the Master of every Ship, &c. passing by the *Edystone* Light House, &c. How the said Duties to be recovered. No Custom House Officer to make out any Cocquet, &c. till the Duties are paid, and an Acquittance produced to him. Such Persons as are mentioned in the former Act, may go on board any Foreign Ship, &c. to receive the Duties; and distrain for Non-payment. The Distress to be appraised and sold, if the Duties be not paid in three Days; rendering the Overplus to the Master, &c. This and the former Act to be allowed as Public Acts in *Great Britain* and *Ireland*. P R."

No. 10.—1718, December 19: Extract from the Report of the Lords Commissioners for Trade and Plantations to His Majesty relating to the Newfoundland Trade and Fishery.

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And on the 27th of January, 1675, His said Majesty, after due consideration had of the best ways and means of regulating, securing and improving the Fishing Trade in Newfoundland passed the New Charter which recited and confirmed all the old Laws, and several others were added for the better Government of the Fishery, which if they had been as steadily supported and executed, as they were carefully concerted, in all probability the subjects of France and the people of New England, had reaped very little benefit by their fisheries, and this valuable branch of the British Trade had been firmly re-established and secured.

The Additional Regulations to the Charter are as follows:—

1st That His Majesty's subjects may take bait and fish in Newfoundland, and cut wood for stages &c provided they submit unto and observe the Rules and Orders that are or shall be established.

2nd That no alien take bait or fish between Cape Race and Cape Bonavista.

3rd That no Planter cut down any wood, or inhabit within six miles of the shore.

4th That no Planter shall take up any of the stages &c. before arrival of the fishermen, and that they be all provided for.

5th That no Master of a fishing ship transport any seaman or others to Newfoundland, unless they belong to his ship's company.

6th Nor more than 60 persons to 100 Tons.

7th That every fifth man carried out of England be a green man and not a seaman. And that the Masters provide in England victuals and other necessaries for the whole voyage, salt only excepted.

8th That no fishing ship do depart directly for Newfoundland in any year, before the 1st of March.

9th That the Masters give bond in £100 to His Majesty before the respective Mayors, conditioned not to carry out any persons to Newfoundland as aforesaid and to bring back such as they shall carry out unless employed in the carrying fish to foreign markets.

10th That no master take up any stage already built with less than 25 men, and that no fisherman remain in the country after the fishing voyage is ended.

11th That the Admirals, Vice Admirals and Rear Admirals be and are authorised and required to preserve the peace in the harbours as well as on the shore, and to see the rules of the fishery put in execution.

12th And to secure and bring offenders home to England.

13th That they yearly publish in their respective harbours on the 20th of September these orders, forbidding all seamen to remain in Newfoundland after the last of October.

14th That they keep journals, and deliver copies unto His Majesty's Council for Foreign Plantations.

And lastly because there is no Court Martial in England at present, that if any man in Newfoundland shall kill another, or 530 steal goods to the value of 40s., he shall be brought prisoner into England, and his crime made known to one of His Majesty's Principal Secretaries of State, to the end order may be given to punish such offender according to Law.

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No. 11.—1736: Extract British Statute, 9 George II, Cap. 35.

An Act for Indemnifying Persons who have been guilty of Offences against the Laws made for securing the revenues of Customs and Excise, and for enforcing those Laws for the future.

"Whereas, notwithstanding the several Laws already made to prevent the unlawful importing and clandestine landing and running of prohibited and uncustomed Goods, divers wicked and evil disposed persons have of late not only carried on, and do still continue, such pernicious and illegal Practices, in open Defiance of the Laws, to the great Diminution of the public Revenue, and to the manifest Prejudice of the fair Traders, and likewise seduced great numbers of other Persons to join with them in the said wicked practices, whereby the Evil is become so general, that it is necessary that some further provision should be made for effectually preventing the same; yet nevertheless as there may be some Hope that many of the said persons who have been unwarily seduced as aforesaid, may be reclaimed by Grace and Clemency from offending in the like manner for the Future;" Therefore, for the Quiet and Ease of His Majesty's Subjects, who may have been guilty of such Offences, and that such of them as are not yet become incorrigible, being freed from their Fears and Apprehensions, may be induced to leave off their illegal Practices, and to return to their lawful Callings and Occupations, and that such Persons as shall after such an Act of Indulgence, and so publick a warning, presume to commit any of the said Offences, may

be left without excuse, and be brought to Justice, and duly punished, as their crimes shall deserve. May it please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That all and every his Majesty's Subjects of this his Majesty's Realm of *Great Britain*, their Heirs, Executors, and Administrators, and every of them, who before the twenty-seventh day of *April* in the Year of our Lord one thousand seven hundred and thirty-six, have incurred any Penalty or forfeiture in, by, or for the clandestine running, landing, unshipping, concealing, or receiving any prohibited Goods, Wares, or Merchandizes, or any foreign Goods liable to the Payment of the Duties of Customs and Excise, or either of them, and who are or may be subject to any Information or other Prosecution whatsoever for the Duties of such Goods, or for the penalties for the running, landing, unshipping, concealing, or receiving thereof, or for the making of any false Report or Entry of the Loading any Ship or Vessel inwards or outwards, or for making any Report or Entry in a wrong Name or Names, or for not reporting any such Ship or Vessel, or for breaking Bulk before making such Report or Reports, or for altering the Package of any Goods on board of any Ship or Vessel, or for landing of any Goods without the Presence of an Officer, or for staving or otherwise destroying or spoiling any Goods at or after the seizure thereof by any Officer of the Customs or Excise, or other Person duly authorized to make such Seizure; and any Persons who have beat, abused, obstructed, or hindered, any Officer of the customs or Excise in the due Execution of their Duty, or who have given or offered a bribe to any Officer of the Customs or Excise; and all Persons aiding, assisting, and abetting in the committing any of the said Offences; shall be and are by the Authority of this present Act acquitted, indemnified, released, and discharged, against the King's Majesty, his Heirs, and Successors, and against all and every other Person and Persons, Bodies Politick and Corporate, and any Officer or Officers of the Customs or Excise, and every of them, of and from all the said Offences (not in this present Act hereafter excepted and foreprized) and of and from all Penalties, Forfeitures, Indictments, Outlawries, Convictions, and Judgments not herein after excepted, incurred, had, or given, or that may or might arise or accrue for or by Reason or Means of any of the said Offences or other Matters or things herein before-mentioned and expressed.

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XVIII. And be it further enacted by the Authority aforesaid, That upon Information to be given upon Oath before any one or more of his Majesty's Justices of the Peace in any County, City or Liberty whatsoever, that any Person or Persons are or shall be lurking, waiting, or loitering within five miles from the Sea Coast, or from any navigable River, and that there is reason to suspect that they wait with intent to be aiding and assisting in the running, landing or carrying away, any prohibited or uncustomed Goods, it shall and may be lawful to and for every such Justice or Justices to cause all such Persons to come and be brought before him or them, and to grant his or their Warrant or Warrants for the apprehending such Offender,

and bringing him or them before any of his Majesty's said Justices of the Peace; and if such Persons shall not give a satisfactory Account of themselves, and their Callings and Employments, or otherwise make it appear to the Satisfaction of such Justice or Justices that they are not to be employed or concerned in, or to be aiding or assisting in the carrying on any fraudulent or clandestine Trade, or unlawful Business or Occupation, and are not at such Place as aforesaid with Intent to carry on the said clandestine Practices, then every Person who shall not give such Account and Satisfaction to such Justice or Justices shall be committed to the House of Correction, there to be whipt and kept to hard Labour for any Time which such Justice or Justices shall in his or their Discretion think meet, not exceeding one Month, and that the Commissioners of the Customs or Excise respectively shall cause to be paid to the Person or Sons informing of such Offender or Offenders a Reward of twenty shillings *per Head* for every such Offender so taken as aforesaid.

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XXII. And be it further enacted by the Authority aforesaid, That from and after the twenty-fourth Day of *June* one thousand seven hundred and thirty-six, where any ship or Vessel whatsoever coming or arriving from Foreign Parts, and having on Board six Pounds of Tea, or any Foreign Brandy, Arrack, Rum, Strong Waters, or other Spirits whatsoever, in Casks under sixty Gallons (except only for the use of the Seamen then belonging to and on Board such ship or Vessel, not exceeding two Gallons for each Seaman) shall be found at Anchor, or hovering within the Limits of any of the Ports of this Kingdom, or within two Leagues of the Shore, or shall be discovered to have been within the Limits of any Port, and not proceeding on her Voyage, Wind and Weather permitting (unless in case of unavoidable Necessity, and Distress of Weather, of which Necessity and Distress the Master, Purser or other Person having or taking the Charge or Cominand of such Ship or Vessel, shall give Notice to, and make Proof of before the Collector or other Chief Officer of the Customs of such Port as aforesaid immediately after the Arrival of such Ship or Vessel into the said Port) all such Tea, Foreign Brandy, Arrack, Rum, Strong Waters and Spirits, together with the Chests, Boxes, Casks, and other Package whatsoever, containing the same Goods, or the value thereof, shall be forfeited and lost (whether Bulk shall then have been broken or not) and the same Goods and Package shall and may be seized and prosecuted, or the Value thereof sued for by any Officer or Officers of the Customs or Excise in such Manner and Form as herein after is expressed; any Law, Statute or Custom to the contrary notwithstanding.

“XXIII. And whereas Foreign Goods are frequently taken out of Ships at Sea without the Limits of any Port, with Intent to be fraudulently landed in this Kingdom;” For preventing thereof, be it further enacted by the Authority aforesaid, That in case any Foreign Goods, Wares or Merchandizes, shall after the twenty-ninth Day of *September* one thousand seven hundred and thirty-six, by any Ship, Boat or Vessel whatsoever, be taken in at Sea, or put out of any Ship or Vessel whatsoever, within the Distance of four Leagues from any of the Coasts of this Kingdom (whether the same be within or with-

out the Limits of any of the Ports thereof) without Payment of the Customs and other Duties due and payable for the same (unless in case of apparent Necessity or some other lawful Reason, of which the Master or other Person having Charge of such Ship, Vessel or Boat, so taking in the same, shall give immediate Notice to, and make Proof before the Chief Officer or Officers of the Customs of the first Port of this Kingdom where he shall arrive) such Goods, Wares and Merchandizes, shall be forfeited and lost, and the Master or other Person having Charge of such Ship, Vessel or Boat, so taking in the same, and all such Persons who shall be aiding, assisting or otherwise concerned in the unshipping or receiving of the said Goods, Wares or Merchandizes, shall forfeit Treble the Value thereof; and the Ships, Boats and Vessels, into which the said Goods, Wares and Merchandizes shall be unshipped and taken in, shall also be forfeited and lost, any Ship, Boat or Vessel, so to be forfeited and lost, not exceeding the Burthen of one hundred Tons; and the Master, Purser or other Person taking Charge of such Ship or Vessel out of which such Goods shall be taken (unless in case of such apparent Necessity or other lawful Reason, whereof Notice shall be given by him, and Proof be made as aforesaid) shall also forfeit Treble the Value of the Goods so unshipped as aforesaid; which Forfeitures shall be divided and recovered in such manner as herein after mentioned.

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No. 12.—1763: Extract from British Statute, 4 Geo. III, Cap. 15.

An Act for granting certain duties in the *British Colonies and Plantations in America*; for continuing, amending, and making perpetual an Act passed in the sixth year of the reign of his late Majesty King *George the Second*, (intituled, *An Act for the better securing and encouraging the trade of his Majesty's Sugar Colonies in America*); for applying the produce of such duties and of the duties to arise by virtue of the said Act, toward defraying the expenses of defending, protecting, and securing the said colonies and plantations; for explaining an Act made in the twenty-fifth year of the reign of King *Charles the Second*, (intituled, *An Act for the Encouragement of the Greenland and Eastland trades, and for the better securing the plantation trade*); and for altering and disallowing several drawbacks on exports from this Kingdom, and more effectually preventing the clandestine conveyance of goods to and from the said colonies and plantations, and improving and securing the trade between the same and *Great Britain*.

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“XXXIII. And whereas by an Act of Parliament, made in the ninth year of the reign of his late Majesty King *George the Second*, intituled, *An Act for indemnifying persons who have been guilty of offences against the laws made for securing the revenue of customs and excise, and for the enforcing those laws for the future*, and by other Acts of Parliament since made, which are now in force, in order to prevent the clandestine landing of goods in this Kingdom from vessels which hover upon the coasts thereof, several goods and vessels, in those laws particularly mentioned and described, are declared to be forfeited, if such vessels are found at anchor, or hovering
532 within two leagues of the shore of this Kingdom, without being compelled thereto by necessity or distress of weather; which laws have been found very beneficial to the public Revenue:

And whereas, if some provision of that sort was extended to his Majesty's *American* dominions, it may be a means of preventing an illicit trade therewith, and tend to enforce an Act made in the twelfth year of the reign of King *Charles* the Second, intituled,—*An Act for the encouraging and increasing of shipping and navigation*, and another Act made in the seventh and eighth year of the Reign of King *William* the Third, intituled, *An Act for preventing frauds, and regulating abuses in the Plantation trade*, so far as those laws do prohibit any goods or commodities to be imported into or exported out of any British Colony or plantation in *America*, in any foreign ship or vessel:” To which end therefore be it enacted by the authority aforesaid, that from and after the twenty-ninth day of *September*, one thousand seven hundred and sixty-four, if any foreign ship or vessel whatsoever shall be found at anchor, or hovering within two leagues of the shore of any land, island, plantation, colony, territory, or place, which shall or may be in the possession or under the dominion of his Majesty, his heirs or successors, in *America*, and shall not depart from the coast, and proceed upon her voyage to some foreign port or place, within forty-eight hours after the master or other person taking the charge of such ship or vessel shall be required so to do by any officer of his Majesty's Customs, unless in case of unavoidable necessity and distress of weather, such ship or vessel, with all the goods therein laden, shall be forfeited and lost, whether bulk shall have been broken or not; and shall and may be seized and prosecuted by any officer of his Majesty's Customs, in such manner and form as herein after is expressed.

XXIV. Provided always, that nothing herein contained shall extend, or be construed to extend, to any ship or vessel belonging to the subjects of the *French* King, which shall be found fishing, and not carrying on an illicit trade, on that part of the Island of *Newfoundland* which stretches from the place called *Cape Bonavista* to the Nothern point of the said island, and from thence running down to the Western side, reaches as far as the place called *Point Riche*.

XXXV. And, in order to prevent any illicit trade or commerce between His Majesty's subjects in *America* and the subjects of the Crown of *France* in the Islands of *Saint Pierre* and *Miquelon*, it is hereby further enacted by the authority aforesaid, That from and after the twenty-ninth day of *September* one thousand seven hundred and sixty-four, if any *British* ship or vessel shall be found standing into, or coming out from, either of those Islands, or hovering or at anchor within two leagues of the coast thereof, or shall be discovered to have taken any goods or merchandizes on board at either of them, or to have been there for that purpose; such ship or vessel, and all the goods so taken on board there, shall be forfeited and lost, and shall and may be seized and prosecuted by any officer of His Majesty's Customs; and the Master or other person having the charge of such ship or vessel, and every person concerned in taking any such goods on board, shall forfeit treble the value thereof.

XXXVI. And, to prevent the concealing any goods in false packages, or private places, on board any ship or vessel arriving at any of the *British* Colonies or Plantations in *America*, with intent to their being clandestinely landed there, Be it further enacted by the authority aforesaid, that from and after the twenty-ninth day of

September one thousand seven hundred and sixty-four, all goods which shall be found concealed in any place whatsoever on board any such ship or vessel, at any time after the Master thereof shall have made his report to the Collector or other proper officer of the Customs, and which shall not be comprised or mentioned in the said Report, shall be forfeited and lost, and shall and may be seized and prosecuted by any officer of the Customs; and the Master or other person having the charge or command of such ship or vessel (in case it can be made appear, that he was any wise consenting or privy to such fraud or concealment) shall forfeit treble the value of the goods so found.

XXXVII. And it is hereby further enacted by the authority aforesaid, That from and after the twenty-ninth day of *September* one thousand seven hundred and sixty-four, if any goods or merchandizes whatsoever, liable to the payment of duties in any *British* Colony or Plantation in *America* by this or any other Act of Parliament, shall be loaden on board any ship or vessel outward bound, or shall be unshipped or landed from any ship or vessel inward bound, before the respective duties due thereon are paid, agreeable to law; or if any prohibited goods whatsoever shall be imported into, or exported out of, any of the said Colonies or plantations, contrary to the true intent and meaning of this or any other Act of Parliament; every person who shall be assisting, or otherwise concerned, either in the loading outwards, or in the unshipping or landing inwards, such goods, or to whose hands the same shall knowingly come after the loading or unshipping thereof, shall, for each and every offence, forfeit treble the value of such goods, to be estimated and computed according to the best price that each respective commodity bears at the place where such offence was committed; and all the boats, horses, cattle, and other carriages whatsoever, made use of in the loading, landing, removing, carriage, or conveyance of any of the aforesaid goods, shall also be forfeited and lost, and shall and may be seized and prosecuted, by any officer of His Majesty's Customs, as herein after mentioned.

XXXVIII. And it is hereby further enacted by the authority aforesaid, That from and after the twenty-ninth day of *September* one thousand seven hundred and sixty-four, if any officer of His Majesty's Customs shall, directly or indirectly, take or receive any bribe, recompense, or reward, in any kind whatsoever; or connive at any false entry, or make any collusive seizure or agreement; or do any other act or deed whatsoever by which His Majesty, his heirs or successors, shall or may be defrauded in his or their duties, or whereby any goods prohibited shall be suffered to pass either inwards or outwards, or whereby the forfeitures and penalties inflicted by this or any other Act of Parliament relating to His Majesty's Customs in *America* may be evaded; every such officer therein offending shall, for each and every offence, forfeit the sum of five hundred pounds, and be rendered incapable of serving His Majesty in any office or employment civil or military: And if any person or persons whatsoever shall give, offer, or promise to give, any bribe, recompense, or reward, to any officer of the Customs, to do, conceal, or connive at, any Act, whereby any of the provisions made by this or any other

Act of Parliament relating to His Majesty's Customs in *America* may be evaded or broken, every such person or person shall,

for each and every such offence (whether the same offer proposal, or promise, be accepted or performed, or not) forfeit the sum of fifty pounds.

No. 13.—1763, October 7: Extract from Royal Proclamation.

BY THE KING.

A PROCLAMATION.

GEORGE R.

Whereas we have taken into our royal consideration the extensive and valuable acquisitions in America, secured to our Crown by the late definitive treaty of peace concluded at Paris, the 10th day of February last; and being desirous that all our loving subjects, as well of our kingdom as of our colonies in America, may avail themselves with all convenient speed, of the great benefits and advantages which must accrue therefrom to their commerce, manufactures, and navigation, we have thought fit, with the advice of our Privy Council, to issue this our royal proclamation, hereby to publish and declare to all our loving subjects, that we have, with the advice of our said Privy Council, granted our letters patent, under our Great Seal of Great Britain, to erect, within the countries and islands ceded and confirmed to us by the said treaty, four distinct and separate Governments, styled and called by the names of Quebec, East Florida, West Florida and Grenada, and limited and bounded as follows, viz.

First—The Government of Quebec bounded on the Labrador coast by the River St John, and from thence by a line drawn from the head of that river through the Lake St. John, to the south end of the Lake Nipissim; from whence the said line, crossing the River St Lawrence, and the Lake Champlain, in 45. degrees of north latitude, passes along the high lands which divide the rivers that empty themselves into the said River St Lawrence from those which fall into the sea; and also along the north coast of the Baye des Chaleurs, and the coast of the Gulf of St Lawrence to Cape Rosieres, and from thence crossing the mouth of the River St Lawrence by the west end of the Island of Anticosti, terminates at the aforesaid River of St John.

Secondly—The Government of East Florida, bounded to the westward by the Gulf of Mexico and the Apalachicola River; to the northward by a line drawn from that part of the said river where the Chatahouchee and Flint Rivers meet, to the source of St Mary's River, and by the course of the said river to the Atlantic Ocean; and to the eastward and southward by the Atlantic Ocean and the Gulf of Florida, including all islands within six leagues of the sea coast.

Thirdly—The Government of West Florida, bounded to the southward by the Gulf of Mexico, including all islands within six leagues of the coast, from the River Apalachicola to Lake Pontchartrain; to the westward by the said lake, the Lake Maurepas, and the River Mississippi; to the northward by a line drawn due east from that part of the River Mississippi which lies in 31 degrees north latitude,

to the River Apalachicola or Chatahouchee; and to the eastward by the said river.

Fourthly—The Government of Grenada, comprehending the island of that name, together with the Grenadines, and the Islands of Dominico, St. Vincent's and Tobago.

And to the end that the open and free fishery of our subjects may be extended to and carried on upon the coast of Labrador, and the adjacent islands, we have thought fit, with the advice of our said Privy Council, to put all that coast, from the River St John's to Hudson's Straits, together with the Islands of Anticosti and Madelaine, and all other smaller islands lying upon the said coast, under the care and inspection of our governor of Newfoundland.

We have also, with the advice of our Privy Council, thought fit to annex the Islands of St John's and Cape Breton, or Isle Royale, with the lesser islands adjacent thereto, to our Government of Nova Scotia.

* * * * *

And whereas it is just and reasonable, and essential to our interest, and the security of our colonies, that the several nations or tribes of Indians with whom we are connected, and who live under our protection, should not be molested or disturbed in the possession of such parts of our dominions and territories as, not having been ceded to or purchased by us, are reserved to them, or any of them, as their hunting grounds.—We do therefore, with the advice of our Privy Council, declare it to be our royal will and pleasure, that no governor or commander in chief in any of our colonies of Quebec, East Florida, or West Florida, do presume, upon any pretence whatever, to grant warrants of survey, or pass any patents for lands beyond the bounds of their respective Governments, as described in their commissions; as also that no governor or commander in chief in any of our other colonies or plantations in America do presume for the present, and until our further pleasure be known, to grant warrants of survey, or pass patents for any lands beyond the heads or sources of any of the rivers which fall into the Atlantic Ocean from the west and northwest, or upon any lands whatever, which, not having been ceded to or purchased by us as aforesaid, are reserved to the

said Indians, or any of them.

534 And we do further declare it to be our royal will and pleasure, for the present as aforesaid, to reserve under our sovereignty, protection, and dominion, for the use of the said Indians, all the lands and territories not included within the limits of our said three new Governments, or within the limits of the territory granted to the Hudson's Bay Company, as also all the lands and territories lying to the westward of the sources of the rivers which fall into the sea from the west and north west as aforesaid.

And we do hereby strictly forbid, on pain of our displeasure, all our loving subjects from making any purchases or settlements whatever, or taking possession of any of the lands above reserved, without our especial leave and licence for that purpose first obtained.

And, we do further strictly enjoin and require all persons whatever who have either wilfully or inadvertently seated themselves upon any lands within the countries above described, or upon any other lands which, not having been ceded to or purchased by us, are

still reserved to the said Indians as aforesaid, forthwith to remove themselves from such settlements.

And whereas great frauds and abuses have been committed in purchasing lands of the Indians, to the great prejudice of our interests, and to the great dissatisfaction of the said Indians; in order, therefore, to prevent such irregularities for the future, and to the end that the Indians may be convinced of our justice and determined resolution to remove all reasonable cause of discontent, we do, with the advice of our Privy Council strictly enjoin and require, that no private person do presume to make any purchase from the said Indians of any lands reserved to the said Indians, within those parts of our colonies where, we have thought proper to allow settlement; but that, if at any time any of the said Indians should be inclined to dispose of the said lands, the same shall be purchased only for us, in our name, at some public meeting or assembly of the said Indians, to be held for that purpose by the governor or commander in chief of our colony respectively within which they shall lie; and in case they shall lie within the limits of any proprietary government, they shall be purchased only for the use and in the name of such proprietaries, conformable to such directions and instructions as we or they shall think proper to give for that purpose; And we do, by the advice of our Privy Council, declare and enjoin, that the trade with the said Indians shall be free and open to all our subjects whatever, provided that every person who may incline to trade with the said Indians do take out a licence for carrying on such trade from the governor or commander in chief of any of our colonies respectively where such person shall reside, and also give security to observe such regulations as we shall at any time think fit, by ourselves or by our commissioners to be appointed for this purpose, to direct and appoint for the benefit of the said trade:

And we do hereby authorise, enjoin, and require the governors and commanders in chief of all our colonies respectively, as well those under our immediate Government as those under the Government and direction of proprietaries, to grant such licences without fee or reward, taking especial care to insert therein a condition, that such licence shall be void, and the security forfeited in case the person to whom the same is granted shall refuse or neglect to observe such regulations as we shall think proper to prescribe as aforesaid.

And we do further expressly enjoin and require all officers whatever, as well military as those employed in the management and direction of Indian affairs, within the territories reserved as aforesaid for the use of the said Indians, to seize and apprehend all persons whatever, who standing charged with treason, misprisons of treason, murders, or other felonies or misdemeanours, shall fly from justice and take refuge in the said territory, and to send them under a proper guard to the colony where the crime was committed of which they stand accused, in order to take their trial for the same.

Given at our Court at St. James's the 7th Day of October 1763, in the Third Year of our Reign.

God save the King.

No. 14.—1773: Extract from British Statute, 13 Geo. III, Cap. 72.

An Act to permit the free importation of cod fish, ling, and hake, caught and cured in *Chaleur Bay*, or any other part of the gulf of *Saint Lawrence*, or on the coast of *Labrador*.

“ WHEREAS by an act, made in the second and third years of the reign of her late majesty Queen *Anne*, (intituled, *An Act for the better securing and regulating the duties upon salt*), cod fish, ling, or hake, caught and cured at *Newfoundland*, or *Ireland*, [*Iceland*,] are permitted to be imported, brought in, or landed, under certain restrictions and regulations therein particularly mentioned: And whereas it may tend to the increase of the trade and navigation of this kingdom, if the like permission were granted of importing and bringing in cod fish, ling, or hake, caught and cured in *Chaleur Bay*, or any other part of the Gulf of *Saint Lawrence*, or on the coast of *Labrador*;” may it therefore please your Majesty that it may be enacted; and be it enacted by the King’s most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the passing of this act, it shall and may be lawful to import, bring in, in British-built vessels, navigated according to law, and subject to the rules prescribed in an act of the tenth and eleventh years of the reign of 535 his late majesty King *William the Third*, (intituled, *An Act to encourage the trade to Newfoundland*), and to land in *Great Britain*, all cod fish, ling, and hake, caught and cured in *Chaleur Bay*, or any other part of the Gulf of *Saint Lawrence*, or on the coast of *Labrador*, so as oath be first made before the landing thereof, by the owner or proprietor of such fish, or the master of the vessel bringing the same, before the officer for the duties on salt, in the port or place where such fish shall be imported or brought in (who is hereby required to administer the same without fee or charge), that all the fish so imported or brought in came from the Gulf of *Saint Lawrence*, or the coast of *Labrador*, and were caught and cured there; and so as the said fish be, at the landing thereof, and before the same be removed from the shore, tendered to the officer of the port or place, for the said duties, to have part of the tail of every such cod fish, ling, or hake, cut off, that no allowance for such fish may be obtained upon exportation; and the said officer is hereby impowered and required to cut off part of the tail of all such fish on the landing thereof: and in case any such fish shall be landed or removed from the shore before the same shall be tendered to the officer, to have part of the tail cut, as aforesaid, all the fish so imported and landed shall be forfeited, and double the value thereof, to be recovered of the importer, proprietor, or master of the vessel.

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No. 15.—1774: British Statute; 14 Geo. III, Cap. 83.

An Act for making more Effectual Provision for the Government of the Province of *Quebec in North America*.

“ Whereas His Majesty, by his Royal proclamation, bearing date the seventh day of *October*, in the third year of his reign, thought

fit to declare the provisions which had been made in respect to certain countries, territories, and islands in *America*, ceded to His Majesty by the definite treaty of peace, concluded at *Paris* on the tenth day of *February*, one thousand seven hundred and sixty-three: And whereas, by the arrangements made by the said Royal proclamation, a very large extent of country, within which there were several colonies and settlements of the subjects of *France*, who claimed to remain therein under the faith of the said treaty, was left, without any provision being made for the administration of civil Government therein; and certain parts of the territory of *Canada*, where sedentary fisheries had been established and carried on by the subjects of *France*, inhabitants of the said province of *Canada*, under grants and concessions from the Government thereof, were annexed to the Government of *Newfoundland*, and thereby subjected to regulations inconsistent with the nature of such fisheries." May it therefore please your Most Excellent Majesty that it may be enacted; and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That all the territories, islands, and countries in *North America*, belonging to the Crown of *Great Britain*, bounded on the south by a line from the Bay of *Chaleurs*, along the high lands which divide the rivers that empty themselves into the River *Saint Lawrence* from those which fall into the sea, to a point in forty-five degrees of northern latitude, on the eastern bank of the River *Connecticut*, keeping the same latitude directly west, through the Lake *Champlain*, until, in the same latitude, it meets the River *Saint Lawrence*; from thence up the eastern bank of the said river to the Lake *Ontario*; thence through the Lake *Ontario*, and the river commonly called *Niagara*; and thence along by the eastern and south-eastern bank of Lake *Erie*, following the said bank, until the same shall be intersected by the northern boundary, granted by the charter of the province of *Pennsylvania*, in case the same shall be so intersected; and from thence along the said northern and western boundaries of the said province, until the said western boundary strike the *Ohio*: But in case the said bank of the said lake shall not be found to be so intersected, then following the said bank until it shall arrive at that point of the said bank which shall be nearest to the north-western angle of the said province of *Pennsylvania*, and thence by a right line, to the said north-western angle of the said province; and thence along the western boundary of the said province, until it strike the River *Ohio*; and along the bank of the said river, westward to the banks of the *Mississippi*, and northward to the southern boundary of the territory granted to the merchants adventurers of *England*, trading to *Hudson's Bay*; and also all such territories, islands, and countries, which have, since the tenth of *February*, one thousand seven hundred and sixty-three, been made part of the Government of *Newfoundland*, be, and they are hereby, during His Majesty's pleasure, annexed to, and made part and parcel of, the province of *Quebec*, as created and established by the said Royal proclamation of the seventh of *October*, one thousand seven hundred and sixty-three.

II. Provided always, That nothing herein contained, relative to the boundary of the province of *Quebec*, shall in anywise affect the boundaries of any other colony.

III. Provided always, and be it enacted, That nothing in this Act contained shall extend, or be construed to extend, to make void, or to vary or alter any right, title, or possession, derived under any grant, conveyance, or otherwise howsoever, of or to any lands within the said province, or the provinces thereto adjoining; but that the same shall remain and be in force, and have effect, as if this Act had never been made.

IV. And whereas the Provisions, made by the said Proclamation, in respect to the Civil Government of the said Province of *Quebec*, and the Powers and Authorities given to the Governor and other Civil Officers of the said Province, by the Grants and Commissions issued in consequence thereof, have been found, upon

536 Experience, to be inapplicable to the State and Circumstances of the said Province, the Inhabitants whereof amounted, at the conquest, to above sixty-five thousand persons professing the Religion of the Church of *Rome*, and enjoying an established Form of Constitution and System of Laws, by which their Persons and Property had been protected, governed, and ordered, for a long Series of Years, from the first Establishment of the said Province of *Canada*;" be it therefore further enacted by the Authority aforesaid, That the said Proclamation, so far as the same relates to the said Province of *Quebec*, and the Commission under the Authority whereof the Government of the said Province is at present administered, and all and every the Ordinance and Ordinances made by the Governor and Council of *Quebec* for the Time being, relative to the Civil Government and Administration of Justice in the said Province, and all Commissions to Judges and other Officers thereof, be, and the same are hereby revoked, annulled, and made void, from and after the first Day of *May*, one thousand seven hundred and seventy-five.

V. And, for the more perfect Security and Ease of the Minds of the Inhabitants of the said Province," it is hereby declared, That His Majesty's Subjects, professing the Religion of the Church of *Rome* of and in the said Province of *Quebec*, may have, hold, and enjoy, the free Exercise of the Religion of the Church of *Rome*, subject to the King's Supremacy, declared and established by an Act, made in the first Year of the Reign of Queen *Elizabeth*, over all the Dominions and Countries which then did, or thereafter should belong, to the Imperial Crown of this Realm; and that the Clergy of the said Church may hold, receive, and enjoy, their accustomed Dues and Rights, with respect to such Persons only as shall profess the said Religion.

VI. Provided nevertheless, That it shall be lawful for his Majesty, his Heirs or Successors, to make such Provision out of the rest of the said accustomed Dues and Rights, for the Encouragement of the Protestant Religion, and for the Maintenance and Support of a Protestant Clergy within the said Province, as he or they shall, from Time to Time, think necessary and expedient.

VII. Provided always, and be it enacted, that no Person, professing the Religion of the Church of *Rome*, and residing in the said Province, shall be obliged to take the Oath required by the said Statute passed in the first Year of the Reign of Queen *Elizabeth*, or any other Oaths substituted by any other Act in the Place thereof; but that every such Person who, by the said Statute, is required to

take the Oath therein mentioned, shall be obliged, and is hereby required, to take and subscribe the following Oath before the Governor or such other Person in such Court of Record as his Majesty shall appoint, who are hereby authorized to administer the same: *videlicet*,

I A. B. do sincerely promise and swear, That I will be faithful and bear true allegiance to his Majesty King *George*, and him will defend to the utmost of my Power, against all traitorous Conspiracies, and Attempts whatsoever, which shall be made against his Person, Crown, and Dignity; and I will do my utmost Endeavour to disclose and make known to his Majesty, his Heirs and Successors, all Treasons, and traitorous Conspiracies, and Attempts, which I shall know to be against him, or any of them; and all this I do swear without any Equivocation, mental Evasion, or secret Reservation, and renouncing all Pardons and Dispensations from any Power or Person whomsoever to the contrary. So help me God.

And every such Person, who shall neglect or refuse to take the said Oath before mentioned, shall incur and be liable to the same Penalties, Forfeitures, Disabilities, and Incapacities, as he would have incurred and been liable to for neglecting or refusing to take the Oath required by the said Statute passed in the first Year of the Reign of Queen *Elizabeth*.

VIII. And be it further enacted by the Authority aforesaid, That all his Majesty's *Canadian* Subjects within the Province of *Quebec*, the religious Orders and Commissioners only excepted, may also hold and enjoy their Property and Possessions, together with all Customs and Usages relative thereto, and all other their Civil Rights, in as large, ample, and beneficial Manner, as if the said Proclamation, Commissions, Ordinances, and other Acts and Instruments, had not been made, and as may consist with their Allegiance to his Majesty, and Subjection to the Crown and Parliament of *Great Britain*; and that in all Matters of Controversy, relative to Property and Civil Rights, Resort shall be had to the Laws of *Canada*, as the Rule for the Decision of the same; and all Causes that shall hereafter be instituted in any of the Courts of Justice, to be appointed within and for the said Province by his Majesty, his Heirs and Successors, shall, with respect to Such Property and Rights, be determined agreeably to the said Laws and Customs of *Canada*, until they shall be varied or altered by any Ordnances that shall, from Time to Time, be passed in the said Province by the Governor, Lieutenant Governor, or Commander in Chief, for the Time being, by and with the Advice and Consent of the Legislative Council of the same, to be appointed in Manner herein-after mentioned.

IX. Provided always, That nothing in this Act contained shall extend, or be construed to extend, to any Lands that have been granted by His Majesty, or shall hereafter be granted by his Majesty, his Heirs and Successors, to be holden in free and common Socage.

X. Provided also, That it shall and may be lawful to and for every Person that is Owner of any Lands, Goods, or Credits, in the said Province, and that has a right to alienate the said Lands, Goods, or Credits, in his or her Life-time, by Deed of Sale, Gift, or otherwise, to devise or bequeath the same at his or her Death, by his or her last Will and Testament; any Law, Usage, or Custom, heretofore or now prevailing in the Province, to the contrary hereof in any-wise notwithstanding; such Will being executed either according to the laws

of Canada, or according to the Forms prescribed by the Laws of England.

"XI. And whereas the Certainty and Lenity of the Criminal Law of England, and the Benefits and Advantages resulting from the Use of it, have been sensibly felt by the Inhabitants, from an Experience of more than nine Years, during which it has been uniformly administered;" be it therefore further enacted by the Authority 537 aforesaid, That the same shall continue to be administered, and shall be observed as Law in the Province of Quebec, as well in the Description and Quality of the Offence as in the Method of Prosecution and Trial; and the Punishments and Forfeitures thereby inflicted to the Exclusion of every other Rule of Criminal Law, or Mode of Proceeding thereon, which did or might prevail in the said Province before the Year of our Lord one thousand seven hundred and sixty-four; any Thing in this Act to the contrary thereof in any respect notwithstanding; subject nevertheless to such Alterations and Amendments as the Governor, Lieutenant-governor, or Commander in Chief for the Time being, by and with the Advice and Consent of the legislative Council of the said Province, hereafter to be appointed, shall, from Time to Time, cause to be made therein, in Manner herein-after directed.

"XII. And whereas it may be necessary to ordain many Regulations for the future Welfare and good Government of the Province of Quebec, the occasions of which cannot now be foreseen, nor, without much Delay and Inconvenience, be provided for, without intrusting that Authority, for a certain Time, and under proper Restrictions, to Persons Resident there: And whereas it is at present inexpedient to call an Assembly;" be it therefore enacted by the Authority aforesaid, That it shall and may be lawful for his Majesty, his Heirs and Successors, by Warrant under his or their Signet or Sign Manual, and with the Advice of the Privy Council, to constitute and appoint a Council for the Affairs of the Province of Quebec, to consist of such Persons resident there, not exceeding twenty-three, nor less than seventeen, as his Majesty, his Heirs and Successors, shall be pleased to appoint; and, upon the Death, Removal, or Absence of any of the Members of the said Council, in like Manner to constitute and appoint such and so many other Person or Persons as shall be necessary to supply the Vacancy or Vacancies; which Council, so appointed and nominated, or the Major part thereof, shall have Power and Authority to make Ordinances for the Peace, Welfare, and good Government, of the said Province, with the Consent of his Majesty's Governor, or, in his Absence, of the Lieutenant-governor, or Commander in Chief for the Time being.

XIII. Provided always, That nothing in this Act contained shall extend to authorise or impower the said legislative Council to lay any Taxes or Duties within the said Province, such Rates and Taxes only excepted as the Inhabitants of any Town or District within the said Province may be authorised by the said Council to assess, levy, and apply, within the said Town or District, for the Purpose of Making Roads, erecting and repairing public Buildings, or for any other Purpose respecting the local Convenience and Economy of such Town or District.

XIV. Provided also, and be it enacted by the Authority aforesaid, That every Ordinance so to be made, shall, within six Months, be

transmitted by the Governor, or, in his Absence, by the Lieutenant-governor, or Commander in Chief for the Time being, and laid before his Majesty for his Royal Approbation; and if his Majesty shall think fit to disallow thereof, the same shall cease and be void from the Time that his Majesty's Order in Council thereupon shall be promulgated at *Quebec*.

XV. Provided also, That no Ordinance touching Religion, or by which any Punishment may be inflicted greater than fine or Imprisonment for three Months, shall be of any Force or Effect, until the same shall have received his Majesty's Approbation.

XVI. Provided also, That no Ordinance shall be passed at any Meeting of the Council where less than a Majority of the whole Council is present, or at any Time except between the first Day of *January* and the first Day of *May*, unless upon some urgent Occasion, in which Case every Member thereof resident at *Quebec*, or within fifty Miles thereof, shall be personally summoned by the Governor, or, in his Absence, by the Lieutenant-governor, or Commander in Chief for the Time being, to attend the same.

XVII. And be it further enacted by the Authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to prevent or hinder his Majesty, his Heirs and Successors, by his or their Letters Patent under the Great Seal of *Great Britain*, from erecting, constituting, and appointing, such Courts of Criminal, Civil, and Ecclesiastical Jurisdiction within and for the said Province of *Quebec*, and appointing, from Time to Time, the Judges and Officers thereof, as his Majesty, his Heirs and Successors, shall think necessary and proper for the Circumstances of the said Province.

XVIII. Provided always, and it is hereby enacted, That nothing in this Act contained shall extend, or be construed to extend, to repeal or make void, within the said Province of *Quebec*, any Act or Acts of the Parliament of *Great Britain* heretofore made, for prohibiting, restraining, or regulating, the Trade or Commerce of his Majesty's Colonies and Plantations in *America*; but that all and every the said Acts, and also all Acts of Parliament heretofore made concerning or respecting the said Colonies and Plantations, shall be, and are hereby declared to be, in Force, within the said Province of *Quebec*, and every Part thereof.

No. 16.—1775: *British Statute, 15 Geo. III, Cap. 10.*

An Act to restrain the Trade and Commerce of the Provinces of Massachusetts's Bay, and New Hampshire, and Colonies of Connecticut, and Rhode Island, and Providence Plantation, in North America, to Great Britain, Ireland, and the British Islands in the West Indies, and to prohibit such Provinces and Colonies from carrying on any fishery on the banks of Newfoundland, or other places therein mentioned, under certain conditions and limitations.

“Whereas by an Act made in the twelfth year of the reign of King Charles the Second, intituled, *an Act for the encouraging and increasing of shipping and navigation*; and by several subsequent Acts of Parliament which are now in force, it is, amongst other things, enacted, That for every ship or vessel which shall load any commodities, in those Acts, particularly enumerated, at any British plantation, being the growth, product, or manufacture thereof,

bonds shall be given, with one surety, to the value of one thousand Pounds, if the ship be of less burthen than one hundred tons, and of the sum of two thousand Pounds, if the ship be of greater burthen, that the same commodities shall be brought by such ship or vessel to some other *British* plantation, or to some port in *Great Britain*: and whereas, by several other Acts of Parliament which are now in force, no commodities of the growth, product, or manufacture of *Europe* (except salt for the fisheries, wines of the *Madeiras* and *Azores* and *Western Islands*, and victual and linen cloth from *Ireland*, under the restrictions in such Acts particularly mentioned), can be imported into any plantation, colony, territory, or place, belonging to His Majesty, in *Asia*, *Africa*, or *America*, but what shall be *bona fide*, and without fraud, laden and shipped in *Great Britain*, and carried directly from thence: and whereas, during the continuance of the combinations and disorders, which at this time prevail within the provinces of *Massachusetts Bay* and *New Hampshire*, and the colonies of *Connecticut* and *Rhode Island*, to the obstruction of the commerce of these kingdoms, and other His Majesty's dominions, and in breach and violation of the laws of this realm, it is highly unfit that the inhabitants of the said provinces and colonies should enjoy the same privileges of trade, and the same benefits and advantages to which His Majesty's faithful and obedient subjects are intitled; " 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 first day of *July* one thousand seven hundred and seventy-five, and during the continuance of this Act, no goods, wares, or merchandise, which are particularly enumerated in and by the said Act made in the twelfth year of King *Charles* the Second, or any other Act, being the growth, product, or manufacture of the provinces of *Massachusetts Bay*, or *New Hampshire*, or colonies of *Connecticut*, *Rhode Island*, or *Providence Plantation*, in *North America*, or any or either of them, are to be brought to some other *British* colony, or to *Great Britain*; or any such enumerated goods, wares, or merchandise, which shall at any time or times have been imported or brought into the said provinces or colonies, or any or either of them, shall be shipped, carried, conveyed, or transported, from any of the said provinces or colonies respectively, to any land, island, territory, dominion, port or place whatsoever, other than to *Great Britain*, or some of the *British Islands* in the *West Indies*, to be laid on shore there; and that no other goods, wares, or merchandises whatsoever, of the growth, product, or manufacture of the provinces or colonies herein before mentioned, or which shall at any time or times have been imported or brought into the same, shall, from and after the said first day of *July*, and during the continuance of this Act, be shipped, carried, conveyed, or transported, from any of the said provinces or colonies respectively, to any other land, island, territory, dominion, port, or place whatsoever, except to the kingdoms of *Great Britain* or *Ireland*, or to some of the *British* islands in the *West Indies*, to be laid on shore there; any law, custom, or usage, to the contrary notwithstanding.

II. And be it further enacted by the Authority aforesaid, that from and after the said first Day of *July*, before any ship or vessel shall lade, or take on Board any Goods, as aforesaid, in any or either

of the Provinces or Colonies before mentioned, sufficient Bond, with one Surety, besides the Master of such Ship or Vessel, shall be given to the Collector, or other Principal Officer of the Customs at the Port or Place where such Goods are intended to be laden, or taken on Board, in the Penalty of one thousand Pounds, if the Ship be of less Burthen than one hundred Tons, and of the Sum of Two thousands Pounds, if the Ship shall be of that or any greater Burthen, with Condition that such enumerated Goods shall not be landed, or put on Shore, at or upon any other Land, Island, Territory, Dominion, Port, or Place whatsoever, except some Port or Place within the Kingdom of *Great Britain*, or some of the *British Islands* in the *West Indies*; and that all other Goods, Wares, or merchandises, so intended to be laden as aforesaid, shall not be landed or put on Shore at or upon any Land, Island, Territory, Dominion, Port, or Place whatsoever, other than and except some Port or Place within the Kingdoms of *Great Britain* or *Ireland*, or some of the *British Islands* of the *West Indies*; and with further Condition to bring a Certificate in Discharge thereof, within eighteen Months from the Date of such Bond, for such of the said Goods as shall be entered for or landed in *Great Britain* or *Ireland* respectively, and within six Months for such of the said Goods as shall be entered for or landed in any of the *British Islands* in the *West Indies*; which respective certificates shall be under the Hands and Seals of Office of the Collector and Comptroller, or other Principal Officer of the Customs, resident at the Port or Place where such goods shall be landed, testifying the landing thereof; or such Bond or Bonds shall and may be discharged by Proof, upon Oath made by credible Persons that the said Goods were taken by Enemies, or perished in the Seas.

III. And it is hereby further enacted by the Authority aforesaid, That where any such Bond or Bonds shall be given, as aforesaid, in pursuance of this Act, the Collector, or other Principal Officer of the Customs, to whom such Bond or Bonds shall have been given, shall deliver, under his Hand and Seal of Office, without Fee or Reward, to the Master of the Ship or Vessel taking in such Goods, for the Security of her Navigation, a Certificate that such Bond or Bonds hath or have been given, expressing therein the Quantity and Species of the Goods, with the Marks and Numbers of the Packages, and the Port or Place for which they were entered; and if any such Goods shall be laden on Board any such Ship or Vessel in any of the Provinces or Colonies in this Act before mentioned, before such Bond or Bonds shall be given, or shall be found on Board any Ship or Vessel without the Certificate herein before directed, that such Bond or Bonds hath or have been given, the Goods so laden, together with the Ship or Vessel, with her Guns, Ammunition, Tackle, Apparel, and Furniture, shall be forfeited; and if any Goods, so laden as aforesaid, shall be landed or discharged at any Port or Place, contrary to the Intent and Meaning of this Act, over and above the Penalty of the Bond or Bonds, the Shipper and Owner of such

539 Goods, and the Master or Person taking charge of the Vessel on Board which they were laden, shall respectively forfeit the full value of the Goods so landed or discharged, to be estimated according to the highest Price or Value which such Sort of Goods bear in the Province or Colony where and at the Time when they were shipped and laden; which Ship and Goods may be seized

and prosecuted, or the Value of such Goods prosecuted for, by any Admiral, Chief Commander, or commissioned Officer of his Majesty's Fleet or Ships of War, or by any Officer of his Majesty's Customs, in the Manner herein after directed.

IV. And it is hereby further enacted by the authority aforesaid, That from and after the first day of *September* one thousand seven hundred and seventy-five, and during the continuance of this Act, no sort of wines, salt, or any goods or commodities whatsoever (except horses, victual, and linen cloth, the produce and manufacture of *Ireland*, imported directly from thence), shall be imported into any of the said colonies or provinces herein before respectively mentioned, upon any pretence whatsoever, unless such goods shall be *bona fide* and without fraud laden and shipped in *Great Britain*, and carried directly from thence, upon forfeiture thereof, and of the ship or vessel on board which such goods shall be laden; and it shall be lawful for any admiral, chief commander, or commissioned officer, of His Majesty's fleet, or ships of war, or any officer of His Majesty's customs, to seize any ship or vessel arriving at any of the said provinces or colonies before mentioned, or which shall be discovered within two leagues of any shore thereof, having such goods on board, and the goods laden thereon (except as before excepted), for which the master, or other person taking charge of such ship or vessel, shall not produce a cocket or clearance from the collector, or proper officer of His Majesty's customs, certifying that the said goods were laden on board the said ship or vessel, in some port of *Great Britain*; any law, custom, or usage, to the contrary notwithstanding.

V. Provided always, and it is hereby further enacted by the authority aforesaid, That this Act, or any thing herein contained, shall not extend, or be construed to extend, to prohibit the exportation or carrying out from any of the provinces or colonies before mentioned, or the importation into the same, of any goods or commodities whatsoever for the victualling or providing any of His Majesty's ships of war, or other ships or vessels in His Majesty's service, or for His Majesty's forces, forts, or garrisons, any thing herein contained to the contrary notwithstanding.

VI. And provided also, That nothing herein contained shall extend, or be construed to extend, to hinder or restrain the lawful importation into any or either of the said provinces or colonies herein before mentioned, from any of the *British* islands in the *West Indies*, of any such goods or commodities, being the growth or produce thereof, as may now by law be imported from thence into the said provinces or colonies, or any or either of them.

VII. And it is hereby further enacted by the authority aforesaid, That if any ship or vessel, being the property of the subjects of *Great Britain*, not belonging to and fitted out from *Great Britain* or *Ireland*, or the Islands of *Guernsey*, *Jersey*, *Sark*, *Alderney*, or *Man*, shall be found, after the twentieth day of *July* one thousand seven hundred and seventy-five, carrying on any fishery, of what nature or kind soever, on the banks of *Newfoundland*, the coast of *Labrador*, or within the River or Gulf of *Saint Lawrence*, or upon the coast of *Cape Breton*, or *Nova Scotia*, or any other part of the coast of *North America*, or having on board materials for carrying on any such fishery, every such ship or vessel, with her guns, ammunition, tackle, apparel, and furniture, together with the fish, if any shall be found

on board, shall be forfeited, unless the master, or other person, having the charge of such ship or vessel, do produce to the commander of any of His Majesty's ships of war, stationed for the protection and superintendence of the *British fisheries in America*, a certificate, under the hand and seal of the governor, or commander in chief, of any of the colonies or plantations of *Quebec, Newfoundland, Saint John, Nova Scotia, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia, East Florida, West Florida, Bahamas and Bermudas*, setting forth, that such ship or vessel, expressing her name, and the name of her master, and describing her built and burthen, hath fitted and cleared out, from some one of the said colonies or plantations, in order to proceed upon the said fishery, and that she actually and *bona fide* belongs to and is the whole and entire property of His Majesty's subjects, inhabitants of the said colony or plantation; which certificates such governors, or commanders in chief respectively, are hereby authorised and required to grant.

"VIII. And to the End that the foregoing Prohibitions, Restrictions, and Regulations, may be more effectually carried into Execution," it is hereby further enacted by the Authority aforesaid, That it shall and may be lawful to and for all or any of the Commanders of his Majesty's Ships or Vessels of War, stationed and appointed for the Regulation and Protection of the *British Fishery* upon the Coasts of *North America*, or to and for the Commanders of any other of his Majesty's Ships or Vessels employed at Sea, and they and every of them are hereby required and enjoined to examine, search, and visit all Ships and Vessels suspected to be carrying on the said Fisheries; and to seize, arrest and prosecute, in Manner herein after directed, all and every such Ships and Vessels as shall be found to be carrying on the said Fisheries, not belonging to and fitted out from *Great Britain or Ireland*, or the Islands of *Guernsey, Jersey, Alderney, Sark, or Man*, which shall not have on Board the Certificate herein before required.

IX. Provided always, and be it further enacted by the Authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to empower any Officer of his Majesty's Ships of War, or of his Majesty's Customs, to seize any Ship or Vessel which shall be fitted and cleared out from any of the said Colonies and Provinces before the first Day of *June* one thousand seven hundred and seventy-five, for the *Whale Fishery* only, and which shall be found carrying on such Fishery within the Limits aforesaid, between

the said first Day of *June* and the first day of *November*
540 one thousand seven hundred and seventy-five, and not carrying on, nor having on Board any Materials for carrying on, any other Fishery.

X. And be it further enacted by the Authority aforesaid, That nothing in this Act contained, respecting the Fisheries carried on by his Majesty's Subjects in *North America*, shall affect, or be construed to affect, any Ship or Vessel, her Guns, Ammunition, Tackle, Apparel, Furniture, or Fish, on Board, being the Property of any of the Inhabitants of the Island of *Nantucket*, employed in the *Whale Fishery* only, if it shall appear by the Papers on Board, that such Ship or Vessel was fitted and cleared out from thence before the first Day of *June* one thousand seven hundred and seventy-five, or if the Master,

or other Person having the Charge of any such Ship or Vessel as aforesaid, shall produce a Certificate, under the Hand and Seal of the Governor or Commander in Chief of the Province of the *Massachusetts Bay*, setting forth, that such Ship or Vessel (expressing her name, and the Name of her Master, and describing her Built and Burthen) is the whole and entire Property of his Majesty's Subjects of the said Island of *Nantucket*, and was the property of one or more of them on or before the twenty-fifth Day of *March*, in the Year one thousand seven hundred and seventy-five, and that she was cleared out with Materials on Board in order to proceed upon the Whale Fishery only; any Thing in this Act to the Contrary thereof in any wise notwithstanding.

XI. Provided also, and be it enacted by the Authority aforesaid, That nothing in this Act contained, respecting the Fisheries carried on by his Majesty's Subjects in *North America*, shall extend, or be construed to extend, to any Ship or Vessel, being the Property of any of the Inhabitants of the Townships of *Marshfield* and *Scituate*, in the Province of *Massachusetts Bay*, employed in or carrying on the Mackerel, Shad, and Alewife Fisheries only, if the Master, or other Person having the Charge of any such Ship or Vessel, as aforesaid, shall produce a Certificate, under the Hand and Seal of the Governor, or Commander in Chief, of the Province of the *Massachusetts Bay*, setting forth, that such Ship or Vessel (expressing her Name, and the Name of her Master, and describing her Built and Burthen) is the whole and entire Property of his Majesty's Subjects of the said Townships of *Marshfield* and *Scituate*, and was the Property of one or more of them, on or before the twenty-fifth Day of *March*, in the Year one thousand seven hundred and seventy-five, which Certificate or Certificates such Governor or Commander in Chief is hereby authorised and required to grant.

XII. Provided always, and be it enacted, That the River which emptieth itself into *Passamacadie* or *Passamaquadi Bay*, on the Western Side, and is commonly called and known by the Name of *Saint Croix River*, be held and deemed, for all the Purposes in this Act contained, to be the Boundary between the Provinces of *Massachusetts Bay* and *Nova Scotia*.

"XIII. And whereas it is the intent and meaning of this act, that the several prohibitions and restraints herein imposed upon the trade and commerce, and fisheries, of the said provinces and colonies should be discontinued and cease, so soon as the trade and commerce of His Majesty's subjects may be carried on without interruption;" be it therefore enacted by the authority aforesaid, that whenever it shall be made appear to the satisfaction of His Majesty's governor or commander in chief, and the majority of the council, in the provinces of *New Hampshire* and *Massachusetts Bay* respectively, that peace and obedience to the laws shall be so far restored within the said provinces, or either of them, that the trade and commerce of His Majesty's subjects may be carried on without interruption within the same; and that goods, wares, and merchandise, have been freely imported into the said provinces, or either of them, from *Great Britain*, and exposed to sale, without any let, hindrance, or molestation, from or by reason of any unlawful combinations to prevent or obstruct the same; and that goods, wares, and merchandise, have in like manner been exported from the said provinces, or either

of them respectively, to *Great Britain*, for and during the term of one calendar month preceding; that then, and in such case, it shall and may be lawful for the governor or commander in chief, with the advice of the council of such provinces respectively, by proclamation, under the seal of such respective province, to notify the same to the several officers of the customs, and all others; and after such proclamation, this Act with respect to such province, within which such proclamation or proclamations have been issued, as aforesaid, shall be discontinued and cease (except as herein after provided); and all officers of His Majesty's customs, and all other persons having charge of the execution of this Act, having received due notice of such proclamation, are hereby directed and required to yield and pay obedience to such proclamation, and to proceed in the discharge of their respective duties, in admitting to entry, clearing, and discharging, all ships and vessels, and all goods, wares, and merchandises, into and out of such respective province; and to permit and suffer any ships or vessels to carry on the fisheries within the limits herein before mentioned, in like manner as if this Act had never been made; anything herein contained to the contrary notwithstanding.

XIV. And be it further enacted, That the governor or commander in chief, with the advice of the council of the province of *Massachusetts Bay*, shall and may, and he is hereby authorized and empowered, upon application for and on behalf of the colonies of *Connecticut* and *Rhode Island*, and *Providence Plantation*, or either of them, by the governor or commander in chief of the said colonies respectively, to issue the like public notice or notices by proclamation within the said colonies, or either of them, if it shall be proved to the said governor or commander in chief, and council of *Massachusetts Bay*, by the testimony of the officers of His Majesty's Customs in each of the said colonies respectively, and the said governor or commander in chief, and council, shall be satisfied of the truth thereof, that the lawful trade between the said colonies of *Connecticut* and *Rhode Island*, and *Providence Plantation*, and *Great Britain*, is and hath been carried on in manner herein before mentioned within the said colonies, or either of them, for the space of one calendar month preceding the date of such application; and from and after such proclamation, this Act shall, with respect to such colonies, or either of them, be discontinued and cease (except as herein after provided); and all officers

of the Customs in the said colonies, and all others, are
541 hereby required to pay obedience to such public notice of the
said governor or commander in chief as aforesaid, and to proceed in the discharge of their respective duties in admitting to entry, clearing, and discharging, all ships and vessels, and all goods, wares, and merchandise, into and out of such colony or colonies, in like manner as if this Act had never been made; any thing herein contained to the contrary notwithstanding.

XV. Provided nevertheless, and it is hereby further enacted and declared by the Authority aforesaid, That such Proclamation or Proclamations shall not extend, or be construed to extend to discharge or suspend any Proceedings upon any Seizure which shall have been made, or any Prosecution which shall have been commenced for any Penalty or Forfeiture inflicted by this Act before the issuing of such Proclamation or Proclamations.

XVI. And it is hereby further enacted by the Authority aforesaid, That if any Person or Persons shall give or grant any false Certificate, Cocket, or Clearance, for any of the Purposes required or directed by this Act, such Person or Persons shall forfeit the Sum of five hundred Pounds, and be rendered incapable of serving his Majesty, his Heirs and Successors, in any Office whatsoever; and if any Person or Persons shall counterfeit, erase, alter, or falsify, any Certificate, Cocket, or Clearance, required or directed by this Act, or shall knowingly or willingly make use of any false Certificate, Cocket, or Clearance, or of any Certificate, Cocket, or Clearance, so counterfeited, erased, altered, or falsified, such Person or Persons shall, for every such Offence, forfeit the Sum of five hundred Pounds, and such Certificate, Cocket, or Clearance shall be invalid and of no Effect.

XVII. And be it further enacted by the Authority aforesaid, That the several Forfeitures and Penalties inflicted by this Act, shall and may be prosecuted, sued for, and recovered, and be divided, paid, and applied, in like Manner as other Penalties and Forfeitures inflicted by any Act or Acts of Parliament, relating to the Trade or Revenues of the *British Colonies or Plantations in America*, are directed to be prosecuted, sued for, or recovered, divided, paid, and applied, by two several Acts of Parliament, the one passed in the fourth Year of his present Majesty, intituled, *An Act for granting certain Duties in the British Colonies and Plantations in America; for continuing, amending, and making perpetual, an Act passed in the sixth Year of the Reign of his late Majesty King George the Second, intituled 'An Act for the better securing and encouraging the Trade of his Majesty's Sugar Colonies in America; for applying the Produce of such Duties, and of the Duties to arise by virtue of the said Act, towards defraying the Expenses of defending, protecting, and securing, the said Colonies and Plantations; for explaining an Act made in the Twenty-fifth Year of the Reign of King Charles the Second, intituled, 'An Act for the Encouragement of the Greenland and Eastland Trades, and for the better securing the Plantation Trade; and for altering and disallowing several Drawbacks on Exports from this Kingdom, and more effectually preventing the clandestine Conveyance of Goods to and from the said Colonies and Plantations, and imprizing and securing the Trade between the same and Great Britain; and the other passed in the eighth Year of his present Majesty's Reign, intituled, An Act for the more easy and effectual Recovery of the Penalties and Forfeitures inflicted by the Acts of Parliament relating to the Trade or Revenues of the British Colonies and Plantations in America.*

XVIII. And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons, for any Thing done in pursuance of this Act of Parliament, the Defendant or Defendants in such Action or Suit may plead the General Issue, and give the said Act and the Special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance of and by the Authority of this Act; and if it shall appear so to have been done, the Jury shall find for the Defendant or Defendants; and if the Plaintiff shall be non-suited, or discontinue his Action after the Defendant or Defendants shall have appeared, or if Judgment shall be given upon any Verdict or De-

murrer against the Plaintiff the Defendant or Defendants shall recover treble Costs, and have the like Remedy for the same, as Defendants have in other Cases by Law.

No. 17.—1775: Extract from British Statute, 15 Geo. III, Cap. 18.

An Act to restrain the Trade and Commerce of the Colonies of New Jersey, Pennsylvania, Maryland, Virginia, and South Carolina, to Great Britain, Ireland, and the British Islands in the West Indies, under certain conditions and limitations.

[Note.—This Act, Chapter 18, down to and including clause VI, is substantially the same as the Act 15 Geo. III, Cap. 10, except that where the provinces of Massachusetts Bay and New Hampshire and the Colonies of Connecticut and Rhode Island and Providence Plantation are named in Chapter 10, the Colonies of New Jersey, Pennsylvania, Maryland, Virginia and South Carolina are mentioned in Chapter 18.]

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“VII. And, in order to prevent Frauds and Abuses which may be committed contrary to the Intention and against the Provisions of this Act, by the Exportation of any Goods of the Growth, Product, or Manufacture of the Colonies of *New Jersey, Pennsylvania, Maryland, and Virginia*, from any of the Ports within the Government of the Counties of *Newcastle, Kent, and Sussex on Delaware, in North America*,” it is hereby further enacted by the Authority aforesaid, That during the Continuance of this Act, no Goods or Commodities whatsoever shall be shipped, to be carried from any Port or Place within the said Counties of *Newcastle, Kent, and Sussex on Delaware*,

or either of them, to any other Land, Port, or Place whatsoever, except to the Kingdoms of *Great Britain or Ireland*, or to some of the *British Islands in the West Indies*, until the Owner or Exporter of such Goods shall have made Oath, or being one of the People called *Quakers*, shall have affirmed, before the Collector or other proper Officer of the Customs at the Port or Place where the same shall be shipped (which Oath or Affirmation such Collector or other Officer is hereby authorised to administer), that such Goods are really and *bona.fide* of the Growth, Product, or Manufacture, of one or other of the said Counties; of which Fact the Collector or other proper Officer of the Customs shall and is hereby required to give a Certificate, under his Hand, to the Master of the Ship or Vessel on Board which such Goods are laden, for the Security of her Navigation; and in Failure of producing such Certificate, such Ship or Vessel, and the Goods thereon laden, shall be forfeited, and shall and may be seized and prosecuted as herein after directed.

“VIII. And whereas it is the Intent and Meaning of this Act, that the several Prohibitions and Restraints herein before enacted should be discontinued and cease, so soon as the Trade and Commerce of his Majesty’s Subjects may be carried on without Interruption within the said Colonies.” Be it therefore enacted by the Authority aforesaid, That whenever it shall be made appear, to the Satisfaction of his Majesty’s Governor or Commander in Chief, and the Majority of the Council of the Colonies of *New Jersey, Pennsylvania, Maryland,*

Virginia, and *South Carolina*, that Peace and Obedience to the Laws shall be so far restored within the said Colonies, or either of them, that the Trade and Commerce of his Majesty's Subjects may be carried on without Interruption within the same, and that Goods, Wares, and Merchandise, have been freely imported into the said Colonies, or either of them, from *Great Britain*, and exposed to Sale, without any Let, Hindrance, or Molestation, from or by reason of any unlawful Combinations to prevent or obstruct the same; and that Goods, Wares, and Merchandise, have in like Manner been exported from the said Colonies, or either of them respectively, to *Great Britain*, for and during the Term of one Calendar Month preceding; that then, and in such Case, it shall and may be lawful for the Governor or Commander in Chief, with the Advice of the Council of such Colonies respectively, by Proclamation, under the Seal of such respective Colony, to notify the same to the several Officers of the Customs, and all others; and after such Proclamation, this Act, with respect to such Colony, within which such Proclamation or Proclamations have been issued as aforesaid, shall be discontinued and cease (except as herein after provided); and all Officers of his Majesty's Customs, and all other Persons having Charge of the Execution of this Act, having received due Notice of such Proclamation, are hereby directed and required to yield and pay Obedience to such Proclamation, and to proceed in the Discharge of their respective Duties, in admitting to Entry, clearing, and discharging, all Ships and Vessels, and all Goods, Wares, and Merchandises, into and out of such respective Colony, in like Manner as if this Act had never been made; any Thing herein contained to the contrary notwithstanding.

IX. Provided nevertheless, and it is hereby further enacted and declared by the Authority aforesaid, That such Proclamation or Proclamations shall not extend, or be construed to extend, to discharge or suspend any Proceedings upon any Seizure which shall have been made, or any Prosecution which shall have been commenced for any Penalty or Forfeiture inflicted by this Act before the issuing of such Proclamation or Proclamations.

X. And it is hereby further enacted by the Authority aforesaid, That if any Person or Persons shall give or grant any false Certificate, Cocket, or Clearance, for any of the Purposes required or directed by this Act, such Person or Persons shall forfeit the sum of five hundred Pounds, and be rendered incapable of serving his Majesty, his Heirs and Successors, in any Office whatsoever; and if any Person or Persons shall counterfeit, erase, alter, or falsify any Certificate, Cocket, or Clearance, required or directed by this Act, or shall knowingly or willingly make use of any false Certificate, Cocker, or Clearance, or of any Certificate, Cocket, or Clearance, so counterfeited, erased, altered, or falsified, such Person or Persons shall, for every such Offence, forfeit the Sum of five hundred Pounds; and such Certificate, Cocket, or Clearance, shall be invalid and of no Effect.

XI. And be it further enacted by the Authority aforesaid, That the several Forfeitures and Penalties inflicted by this Act shall and may be prosecuted, sued for, and recovered, and be divided, paid, and applied, in like Manner as other Penalties and Forfeitures, inflicted by any Act or Acts of Parliament relating to the Trade or Revenues

of the *British Colonies or Plantations in America*, are directed to be prosecuted, sued for, or recovered, divided, paid, and applied, by two several Acts of Parliament, the one passed in the fourth Year of his present Majesty, intituled, *An Act for granting certain Duties in the British Colonies and Plantations in America; for continuing, amending, and making perpetual an Act, passed in the sixth Year of the Reign of his late Majesty King George the Second, intituled, an Act for the better securing and encouraging the Trade of his Majesty's Sugar Colonies in America; for applying the Produce of such Duties, and of the Duties to arise by virtue of the said Act, towards defraying the Expenses of defending, protecting, and securing, the said Colonies and Plantations; for explaining an Act, made in the twenty-fifth Year of the Reign of King Charles the Second, intituled, An Act for the Encouragement of the Greenland and Eastland Trades, and for the better securing the Plantation Trade; and for altering and disallowing several Drawbacks on Exports from this Kingdom, and more effectually preventing the clandestine Conveyance of Goods to and from the said Colonies and Plantations, and improving and securing the Trade between the same and Great Britain; and the other, passed in the eighth Year of his present Majesty's Reign, intituled, An Act for the more easy and effectual Recovery of the Penalties and Forfeitures inflicted by the Acts of Parliament relating to the Trade or Revenues of the British Colonies and Plantations in America.*

XII. And be it further enacted by the Authority aforesaid, That if any action or suit shall be commenced against any Person or Persons, for any Thing done in pursuance of this Act of Parliament,
 543 the Defendant or Defendants in such Action or Suit may plead the General Issue, and give the said Act, and the special Matter, in Evidence, at any Trial to be had thereupon; and that the same was done in pursuance of and by the Authority of this Act: And if it shall appear so to have been done, the Jury shall find for the Defendant or Defendants; and if the Plaintiff shall be nonsuited, or discontinue his Action, after the Defendant or Defendants shall have appeared, or if Judgment shall be given upon any Verdict or Demurrer against the Plaintiff the Defendant or Defendants shall recover treble Costs, and have the like Remedy for the same as Defendants have in other Cases by Law.

No. 18.—1775: *British Statute, 15 Geo. III, Cap. 31.*

An Act for the encouragement of the Fisheries carried on from Great Britain, Ireland, and the British dominions in Europe, and for securing the return of the fishermen, sailors, and others employed in the said fisheries, to the ports thereof, at the end of the fishing season.

“Whereas the fisheries carried on by His Majesty's subjects of Great Britain and of the British dominions in Europe have been found to be the best nurseries for able and experienced seamen, always ready to man the royal navy when occasions require; and it is therefore of the highest national importance to give all due encouragement to the said fisheries, and to endeavour to secure the annual return of the fishermen, sailors, and others employed therein, to the ports of

Great Britain, and of His Majesty's dominions before mentioned, at the end of every fishing season :" Now, in order to promote these great and important purposes, and with a view, in the first place, to induce His Majesty's subjects to proceed early from the ports of *Great Britain* to the banks of *Newfoundland*, and thereby to prosecute the fishery on the said banks to the greatest advantage, may it please your Majesty that it may be enacted ; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the first Day of *January*, one thousand seven hundred and seventy-six, the respective bounties herein after mentioned shall be paid and allowed annually, for eleven years, for a certain number of ships or vessels employed in the *British* fishery on the banks of *Newfoundland*, under the limitations and restrictions herein after expressed ; that is to say, such vessels shall appear by their register to be *British* built, and owned by his Majesty's subjects residing in *Great Britain* or *Ireland*, or the islands of *Guernsey*, *Jersey*, or *Man* ; and be of the burthen of fifty tons or upwards, and navigated with not less than fifteen men each, three-fourths of whom, besides the master, shall be His Majesty's subjects ; and in other respects qualified, and subject to the same rules and restrictions, as are described by an Act, made in the tenth and eleventh years of the reign of the late King *William the Third* (intituled, *an Act to encourage the trade to Newfoundland*) ; and shall be fitted and cleared out from some port in *Great Britain* after the said first Day of *January*, one thousand seven hundred and seventy-six, and after that day in each succeeding year, and shall proceed to the banks of *Newfoundland*; and having catched a cargo of fish upon those banks, consisting of not less than ten thousand fish by tale, shall land the same at one of the ports on the southern or eastern side of the Island of *Newfoundland*, between *Cape Ray* and *Cape de Grat*, on or before the fifteenth Day of *July* in each year ; and shall make one more trip at least to the said banks, and return with another cargo of fish catched there to the same port ; in which case, the twenty-five vessels first arriving at the said Island of *Newfoundland* from the banks thereof, with a cargo of fish catched there, consisting of ten thousand fish by tale at the least, and after landing the same at one of the ports within the limits before mentioned in *Newfoundland*, shall proceed again to the said banks, and return to the said island with another cargo of fish, shall be intitled to forty Pounds each ; and one hundred vessels which shall so arrive the next in order of time, on or before the said fifteenth Day of *July* in each year, at the said island, with a like cargo, and shall proceed again to the said banks, and return from thence in the manner herein before mentioned, shall be intitled to twenty Pounds each ; and one hundred other vessels which shall so arrive the next in order of time, on or before the said fifteenth Day of *July* in each year, at the said island, with a like cargo, and shall proceed again to the said banks, and return from thence in the manner herein before mentioned, shall be intitled to ten Pounds each, upon the master or owner of such vessels producing to the collector of His Majesty's customs at the port in *Great Britain* from whence such vessel was cleared out, a certificate, under the hand and seal of the governor of *Newfoundland*, that the master of such vessel had produced to him a certificate under the

hands of the collector and comptroller of the customs at the port from whence such vessel was cleared out, testifying that such vessel was duly qualified to proceed on such fishery, in pursuance of the before-mentioned Act, made in the tenth and eleventh years of King *William the Third*; and that it has been made appear to his satisfaction, by a certificate under the hand and seal of the naval officer of the district in *Newfoundland* where such fish was landed, or, where there is no naval officer, under the hand and seal of the commander of any of His Majesty's ships stationed there, or of such officer as the governor shall approve, specifying the time of such vessel's arrival, in manner before directed, that such vessel was entitled by the priority and time of her arrival to one or other of the bounties therein mentioned, as the fact may be; and that the master and mate of such vessel had made oath before such naval or other officer as aforesaid, that the number of fish taken on the first trip amounted to ten thousand at least by tale, that he had made two trips at least, and

544 that all the fish on both trips were caught on the banks of *Newfoundland*; which certificate and oath the said governor and naval or other officer as aforesaid are hereby empowered and required to grant and administer to the master and mate of such vessel without fee or reward; and upon delivering up the said certificate to such collector, the respective bounties therein mentioned shall be paid by such collector out of any money remaining in his hands arising by the duties of customs or other subsidies upon foreign goods imported into this kingdom; and in case such collector shall not have sufficient money in his hands to pay the said bounties, he shall certify the same to the commissioners of His Majesty's customs in *England* or *Scotland* respectively, who are hereby authorised and required to order the same to be paid by the receiver general of the customs, out of any money in his hands arising by any of the duties and revenues under their management respectively.

II. And be it further enacted by the authority aforesaid, That, for the better accommodation of the persons belonging to vessels employed in the *Newfoundland* fishery, it shall and may be lawful for the masters and crews belonging to any vessels fitted out and employed in that fishery, in pursuance of this or any other Act, to occupy and use, for the purpose of curing, salting, drying, and husbanding their fish, any vacant or void space whatever on any part of *Newfoundland* which is not then occupied and used for the said fishery, without any let, disturbance, or hindrance, from any person or persons whatsoever, although such unoccupied places may not before have been reputed ships rooms; and all such unoccupied places shall from henceforth be deemed and taken to be ships rooms, any custom or usage to the contrary notwithstanding.

“ III. And in order to induce His Majesty's subjects in *Great Britain* and *Ireland*, and the Islands of *Guernsey*, *Jersey*, and *Man*, to carry on the whale fishery on the coasts of *Newfoundland*, and the seas adjacent,” be it further enacted by the authority aforesaid, That the several bounties hereafter mentioned shall be allowed annually, for eleven years, for five vessels employed in that fishery, under the limitations and restrictions hereinafter expressed; that is to say, such vessels shall appear by their register to be *British* built, and owned by His Majesty's subjects residing in *Great Britain*, *Ireland*, or the Islands of *Guernsey*, *Jersey*, or *Man*, and navigated

with three-fourths of His Majesty's subjects of *Great Britain, Ireland*, or the Islands of *Guernsey, Jersey*, or *Man*, besides the master, and shall be fitted and cleared out from some port in *Great Britain* or *Ireland*, or the Islands of *Guernsey, Jersey*, or *Man*, after the first day of *January*, one thousand seven hundred and seventy-six, and after that day in each succeeding year, and shall take and kill one whale at least in the *Gulf of Saint Lawrence*, or on the coasts of *Labrador, Newfoundland*, or in any seas to the southward of the *Greenland* seas and *Davis's Straits*, and shall return within the same year to some port in *England* with the oil of such whale or whales so taken as aforesaid; and on the master and mate of such vessel, and two of the mariners belonging to her, making oath before the collector and comptroller of the Customs at the port of her arrival (which oath they are hereby authorised and required to administer), that such oil is the produce of one or more whale or whales taken and killed by the crew then belonging to such vessel, mentioning the time when she departed from *Great Britain, Ireland*, or the Islands of *Guernsey, Jersey*, or *Man*, and from what port, and the time and place where such whale or whales was or were taken and killed, such oil may be landed without payment of any duty whatsoever; and the collector and comptroller of such port shall thereupon forthwith transmit such oath to the commissioners of His Majesty's Customs at *London*, any four or more of whom are hereby authorised and required to order the receiver general of His Majesty's Customs to pay, out of any money in his hands arising by any duties under their management, for the vessel which shall so arrive in each year with the greatest quantity of oil taken as aforesaid, five hundred Pounds; for the vessel which shall in like manner arrive in the same year with the next greatest quantity of oil so taken as aforesaid, four hundred Pounds; for the vessel which shall in like manner arrive in the same year with the next greatest quantity of oil so taken as aforesaid, three hundred Pounds; for the vessel which shall in like manner arrive in the same year with the next greatest quantity of oil so taken as aforesaid, two hundred Pounds; and for the vessel which shall so arrive in the same year with the next greatest quantity of oil so taken as aforesaid, one hundred Pounds; the said oil so to be imported by each of the said vessels being the produce of one whale at the least; which said several and respective bounties shall be paid by such receiver general, within two months after the expiration of each year in which such vessel shall arrive, to the owner or owners of such vessels so entitled thereto, or their assigns duly authorised to demand the same.

"IV. And in order to obviate any doubts that have arisen, or may arise, to whom the privilege or right of drying fish on the shores of *Newfoundland* does or shall belong, under the before mentioned act, made in the tenth and eleventh years of the reign of King William the Third, which right or privilege has hitherto only been enjoyed by His Majesty's subjects of *Great Britain*, and the other *British dominions in Europe*;" be it enacted and declared by the authority aforesaid, that the said right and privilege shall not be held and enjoyed by any of His Majesty's subjects arriving at *Newfoundland* from any other country except from *Great Britain*, or one of the *British dominions in Europe*.

V. And it is hereby further enacted by the authority aforesaid, That it shall and may be lawful for any of His Majesty's subjects residing in *Ireland* to ship and lade there, and to transport directly from thence to *Newfoundland*, or in any part of *America* where the fishery is now or shall hereafter be carried on, on board any ship or vessel which may lawfully trade or fish there, any provisions, and also any hooks, lines, netting, or other tools or implements necessary for and used in the fishery by the crews of the ships or vessels carrying out the same, and the craft belonging to and employed by such ships or vessels in the said fishery, such provisions, hooks, lines, netting, or other tools or implements, being the product and manufacture of *Great Britain* or *Ireland*; and that it shall and may be lawful for any of His Majesty's subjects residing in the *Isle of Man*, in like manner to export directly from thence any of the articles herein before mentioned for the purpose aforesaid, such 545 articles being the product or manufacture of *Great Britain*, or the said *Isle of Man*, any law, custom, or usage, to the contrary notwithstanding.

VI. Provided always, and it is hereby further enacted by the authority aforesaid, That the master or other person taking charge of such ship or vessel shall produce to the proper officer of the customs in the colony or plantation where he shall arrive, a certificate, under the hand and seal of the collector or other principal officer of the customs in the port where he shall have fitted out, that oath hath been made before him by the shipper of such provisions, hooks, lines, netting, or other tools and implements, that the same are of the product and manufacture of *Great Britain* or *Ireland*, or the *Isle of Man* respectively, as the fact may be, and that the several articles before mentioned (except the provisions), specifying the quantities and particulars of each sort, are to be used in the fishery by the crews of the respective ship or vessel carrying out the same, and by the craft belonging to and to be employed by such ship or vessel in the said fishery, and for no other use or purpose whatsoever (which oath and certificate such collector or other officer is hereby authorised and required to administer and grant without fee or reward); and on failure of producing such certificate, or if any such hooks, lines, netting, tools and implements, are used or disposed of for any other purpose, the same, and the ship or vessel having the same on board, shall be liable to be seized and forfeited in the same manner as they would have been subject and liable to if this act had not been made, anything herein contained to the contrary notwithstanding.

VII. And it is hereby further enacted by the authority aforesaid, That from and after the first day of *January*, one thousand seven hundred and seventy-six, all vessels fitted and cleared out as fishing ships in pursuance of this Act, or of the before-mentioned Act, made in the tenth and eleventh years of the reign of the late King *William the Third*, and which shall be actually employed in the fishery there, or any boat or craft whatsoever employed in carrying coastwise, to be landed or put on board any ships or vessels, any fish, oil, salt provisions, or other necessaries, for the use and purpose of that fishery, shall not be liable to any restraint or regulation with respect to days or hours of working, nor to make any entry at the customhouse at *Newfoundland*, except a report to be made by the master on his first

arrival there, and at his clearing out from thence; and that a fee not exceeding two Shillings and Six-pence shall and may be taken by the officers of the customs at *Newfoundland* for each such report; and that no other fee shall be taken or demanded by any officer of the customs there, upon any other pretence whatsoever relative to the said fishery, any law, custom, or usage, to the contrary notwithstanding.

VIII. Provided always, and be it enacted, That in case any such fishing ship or vessel shall at her last clearing out from the said Island of *Newfoundland* have on board, or export any goods or merchandise whatsoever, except fish, or oil made of fish, such ship or vessel, and the goods thereon laden, shall be subject and liable to the same securities, restrictions, and regulations, in all respects, as they would have been subject and liable to if this Act had not been made, anything herein before contained to the contrary notwithstanding.

“IX. And whereas by an Act, made in the twenty-fifth Year of the Reign of King *Charles the Second* (intituled, *An Act for the Encouragement of the Greenland and Eastland Trades, and for the better securing the Plantation Trade*), and by other Acts of Parliament, it is lawful for any Person or Persons to import into *England* Train Oil or Blubber of *Greenland*, and Parts adjacent, and those Seas, or of *Newfoundland*, or of any other his Majesty’s Colonies and Plantations, made of Fish, or of any other Creature living in the Seas, and Whale Fins caught in any Ships or Vessels truly and properly belonging to *England* or *Wales*, or Town of *Berwick upon Tweed*, and imported in such Ships, without paying any Custom or Duty for the same, which Liberty, by a subsequent Act of Parliament, is extended to Ships belonging to *Great Britain*; and it is reasonable that the same Indulgence should be extended to Oil and Blubber of Fish, and other Creatures living in the Sea, and to Whale Fins caught in any Part of the Ocean by Ships belonging to *Great Britain, Ireland*, and the Islands of *Guernsey, Jersey, and Man*;” be it therefore enacted by the Authority aforesaid, That from and after the first Day of *September*, one thousand seven hundred and seventy-five, the Liberty granted by the said Act to import into this Kingdom Oil or Blubber of Fish, or other Creatures living in the Sea, or Whale Fins taken within the Limits therein mentioned, Duty-free, shall extend, and be construed to extend, to such Oil or Blubber, or Whale Fins, as shall be so taken in any Part of the Ocean by, and imported in any Ship or Vessel truly and properly belonging to, his Majesty’s Subjects of *Great Britain, Ireland*, or the Islands of *Guernsey, Jersey, or Man*, any Law, Custom, or Usage, to the contrary notwithstanding.

X. And it is hereby further enacted by the Authority aforesaid, That from and after the first Day of *September*, one thousand seven hundred and seventy-five, it shall and may be lawful for any Person or Persons to import into this Kingdom any raw and undressed Seal Skins taken and caught by the Crews of Vessels belonging to and fitted out either from *Great Britain, Ireland*, or the Islands of *Guernsey, Jersey, or Man* respectively, and whereof the Captain or Master and Three-fourths at the least of the Mariners are his Majesty’s Subjects, or by Persons employed by the Masters or Owners of such Vessels, without paying any Custom, Subsidy, or other Duty, for the same, any Law or Usage to the contrary notwithstanding.

XI. Provided always, That nothing in this Act shall extend, or be construed to extend, to give Liberty of importing any such Seal Skins

Duty-free, unless the Captain or Person having the Charge or Command of such Ship or Vessel importing the same shall make Oath before the Collector or other Principal Officer of the Customs at the Port of Importation (who is hereby authorised and required to administer such Oath), that all the Skins imported in such Ship or Vessel were really and *bona fide* the Skins of Seals taken and caught

by the Crews thereof, or by Persons employed by the Master or
 546 Owner of such Ship or Vessel, or of some other Ship or Vessel
 qualified as aforesaid; and such Seal Skins shall be also duly entered at the Customhouse for the said Port, and landed in the Presence of the proper Officer or Officers of the Customs appointed for that purpose; and on failure of any of these Conditions, such Skins shall be liable to pay the same Duties as they would have been subject and liable to if this Act had not been made, any Thing herein contained to the contrary notwithstanding.

"XII. And whereas it has been a Practice of late Years for divers Persons to seduce the Fishermen, Sailors, Artificers, and others, employed in carrying on the Fishery, arriving at *Newfoundland*, on Board Fishing and other Vessels from *Great Britain*, and the *British Dominions* in *Europe*, to go from thence to the Continent of *America*, to the great Detriment of the Fishery and the Naval Force of this Kingdom:" Now, in order to remedy the said Evil, and to secure the Return of the said Fishermen, Sailors, Artificers, and others, employed as aforesaid, to the *British Dominions* in *Europe*, be it further enacted by the Authority aforesaid, That from and after the first Day of *January*, one thousand seven hundred and seventy-six, it shall not be lawful for the Master, or Person having the Charge or Command of any Ship or Vessel trading to or from any place within the Government of *Newfoundland*, to carry or convey, as Passengers, any such Fishermen, Sailors, Artificers, and others, employed as aforesaid, from thence to any part of the Continent of *America*, without the Permission under the Hand and Seal of the Governor of the said Island of *Newfoundland*, under the Penalty of forfeiting two hundred Pounds for every such Offence.

"XIII. And whereas in several Acts, passed in the eleventh and twelfth years of *William the Third*, the eighth of *George the First*, and second and twelfth of *George the Second*, Provision has been made to prevent Seamen and Mariners in the Merchant Service being wilfully left beyond Sea, and to secure and provide for their Return home to such Part of his Majesty's Dominions whereto they belong: And whereas, for want of such Provisions being extended to Seamen and Fishermen going out as Passengers to *Newfoundland*, and hired and employed in the Fisheries carried on there, great Numbers of them remain in that Country at the End of every Fishing Season, who would otherwise return home, and some of them have frequently turned Robbers and Pirates;" for Remedy of which Evil, be it enacted by the Authority aforesaid, That no Person or Persons whatsoever shall, from and after the first Day of *January*, one thousand seven hundred and seventy-six, employ, or cause to be employed, at *Newfoundland*, for the Purpose of carrying on the Fishery there, any Seaman or Fisherman going as Passengers, or any Seaman or Fisherman hired there, without first entering into an Agreement or Contract in Writing with every such Seaman or Fisherman, declaring what Wages such Seaman or Fisherman is to have, and the Time

for which he shall serve, which shall be signed by both Parties; wherein it shall be stipulated (amongst other Things) that the Person so hiring or employing shall be at Liberty to reserve, retain, and deduct, and he is hereby authorised, required, and directed, to reserve, retain, and deduct, out of the Wages of every Person so hired or employed, a Sum of Money equal to the then current Price of a Man's Passage home, not exceeding forty Shillings for each Man, which Money such Hirer or Employer shall, at the End of each Fishing Season, or at the expiration of the covenanted Time of Service of such Seaman or Fisherman, pay, or cause to be paid, to the Master of a Passage or other Ship, who shall undertake or agree to carry such Seaman or Fisherman home to the Country whereto he belongs, and shall also convey such Seaman or Fisherman to and on Board such Passage or other Ship, taking the Master's Receipt for the Passage Money, which Receipt he shall immediately thereupon deliver to such Seaman or Fisherman.

XIV. And be it further enacted by the Authority aforesaid, That no Hirer or Employer of any such Seaman or Fisherman shall pay or Advance, or cause to be paid or advanced, to such Seaman or Fisherman, in Money, Liquor, and Goods, or either of them, during the Time he shall be in his Service, more than One Half of the Wages which shall at any Time be due to him; but such Hirer or Employer shall, and is hereby required and directed, immediately at or upon the Expiration of every such Man's covenanted Time of Service, to pay either in Money, or in good Bills of Exchange, payable either in *Great Britain* or *Ireland*, or in the Country to which such Seaman or Fisherman belongs, the full Balance of his Wages, except the Money herein before directed to be retained for his Passage home; and it shall not be lawful for any such Hirer or Employer to turn away or discharge any such Seaman or Fisherman, except for Wilful Neglect of Duty, or other sufficient Cause, before the Expiration of his covenanted Time of Service; and in case the Hirer or Employer of any such Seaman or Fisherman shall refuse or neglect to comply with any of the Terms herein before mentioned, or shall otherwise offend against this Act, every such Person so offending shall forfeit and pay, for every such Offence, besides the Balance that shall be due to such Seaman or Fisherman, the money herein before directed to be retained for his Passage home, the Sum of Ten Pounds, to the Use of such Person or Persons who shall inform or sue for the same.

XV. And be it further enacted by the Authority aforesaid, That in all Cases where Disputes shall arise concerning the Wages of any such Seaman or Fisherman, the Hirer or Employer shall be obliged to produce the Contract or Agreement in Writing, herein before directed to be entered into with every such Seaman or Fisherman.

XVI. And be it further enacted by the authority aforesaid, That all the fish and oil which shall be taken and made by the person or persons who shall hire or employ such seaman or fisherman, shall be subject and liable, in the first place, to the payment of the wages of every such seaman or fisherman.

XVII. And be it further enacted by the authority aforesaid, That in case any such seaman or fisherman shall at any time wilfully absent himself from his duty or employ, without the leave and consent of

his hirer or employer, or shall wilfully neglect or refuse to work according to the true intent and meaning of such Contract or
 547 Agreement, he shall, for every day he shall so absent himself, or neglect or refuse to work as aforesaid, forfeit two days' pay to such hirer or employer; and if any such seaman or fisherman shall wilfully absent himself from his said duty or employ for the space of five days, without such leave as aforesaid, he shall be deemed a deserter, and shall forfeit to such hirer or employer all such wages as shall at the time of such desertion be due to him, (except so much as is herein before directed to be reserved and retained for the purpose of paying his passage home); and it shall and may be lawful to and for the Governor of Newfoundland, or his surrogates, or the Commissary of the Vice Admiralty Court for the time being, or for any Justice of the Peace in Newfoundland, to issue his or their warrant or warrants to apprehend every such deserter, and on the oath of one or more credible witness or witnesses to commit him to prison, there to remain until the next Court of Session which shall be holden in pursuance of the Commission of the said Governor for the time being; and, if found guilty of the said offence at such Session, it shall and may be lawful to and for the said Court of Session to order such deserter to be publicly whipped as a vagrant, and afterwards to be put on board a passage ship, in order to his being conveyed back to the country whereto he belongs.

XVIII. And be it further enacted by the authority aforesaid, That all disputes which shall arise concerning the wages of every or any such seaman or fisherman, and all offences which shall be committed by every hirer or employer of such seaman or fisherman, against this Act, shall and may be enquired into, heard, and determined, and the penalties and forfeitures thereby incurred shall and may be recovered in the Court of Session herein before mentioned, or in the Court of Vice Admiralty having Jurisdiction in the said Island of Newfoundland.

XIX. And whereas by an Act of Parliament, passed in the sixth year of the reign of Her late Majesty Queen *Anne*, intituled, *An Act for the encouragement of the trade to America*, it is amongst other things, enacted, that no mariner or other person who shall serve on board, or be retained to serve on board, any privateer, or trading ship or vessel, that shall be employed in any part of *America*, nor any mariner or other person being on shore in any part thereof, shall be liable to be impressed or taken away by any officer or officers of or belonging to any of Her Majesty's ships of war, impowered by the Lord High Admiral, or any other person whatsoever, unless such mariner shall have before deserted from such ship of war: And whereas the said privilege or exemption so given by the said Act to mariners serving on board ships or vessels employed in any of the seas or ports of the Continent of *America*, or residing on shore there, is prejudicial to the fisheries carried on by His Majesty's subjects of *Great Britain* and *Ireland*, and others His Majesty's Dominions in *Europe*, and has proved an encouragement to mariners belonging thereto to desert in time of war, or at the appearance of a war, to the *British Plantations* on the said continent of *America*;" be it therefore enacted by the authority aforesaid, That the said Clause, so far as it relates to the exempting of mariners or other persons serving, or retained to serve, in any ship or vessel in the seas or ports

of the Continent of *America*, or other persons on shore there, from being impressed, be and the same is hereby repealed.

“XX. And whereas the immoderate use of rum and other spirits, imported into *Newfoundland* from His Majesty’s Colonies and Plantations in *America*, has been found to be highly detrimental to the fisheries carried on there, and it is therefore proper to endeavour to diminish the consumption thereof;” be it enacted by the authority aforesaid, That from and after the first day of *January*, one thousand seven hundred and seventy-five, if any alteration is made by this Act, as any other Duties payable to His Majesty, his heirs and successors, for every gallon of rum, or other spirits, which shall be brought or imported into the Island of *Newfoundland* from any *British Colony* or *Plantation* on the Continent of *America*, the sum of one shilling sterling money of *Great Britain*; and the same shall be collected, recovered and paid, to the amount of the value of which such nominal sum bears in *Great Britain*, and may be received and taken according to the proportion and value of five shillings and sixpence the ounce in silver; and the said duty hereby granted shall be raised, levied, collected, paid, and recovered, in the same manner and form, and by such rules, ways, and means, and under such penalties and forfeitures except in such cases where any alteration is made by this Act, as any other Duties payable to His Majesty upon goods imported into any *British Colony* or *Plantation* in *America* are raised, levied, collected, paid, and recovered, by any Act or Acts of Parliament, as fully and effectually, to all intents and purposes, as if the several Clauses, powers, directions, penalties and forfeitures relating thereto, were particularly repeated and again enacted in the body of this present Act; and that all the monies that shall arise by the said duty (except the necessary charges of raising, collecting, levying, recovering, answering, paying, and accounting for the same), shall be paid into the receipt of His Majesty’s exchequer, and applied and appropriated to the same uses and purposes as the duties arising by that part of the Customs, commonly called *The Old Subsidy* payable in *Great Britain*, are applied and appropriated.

“XXI. And whereas the bounties given by an Act of Parliament, made in the eleventh year of the reign of His present Majesty, intituled, *An act for the better support and establishment of the Greenland and whale fisheries*, have been found of great advantage to the navigation, trade, and manufactures of this Kingdom; and it is just and expedient that the like bounties which are granted by that Act to ships fitted out from *Great Britain*, or any of His Majesty’s Dominions in *America*, for those fisheries, should in like manner be granted to ships fitted out for that purpose from the Kingdom of *Ireland*;” be it therefore enacted by the authority aforesaid, that from and after the twenty-fifth day of *December*, one thousand seven hundred and seventy-five, the respective bounties herein after mentioned shall be allowed for every ship or vessel *British* built, and owned by His Majesty’s subjects of *Ireland*, and whereof the captain or master and at least one-third of the mariners are His Majesty’s subjects of *Great Britain* or *Ireland*, which shall proceed from any port in the said Kingdom of *Ireland* within the

time limited by this Act on the whale fishery to the *Greenland* seas, and *Davis’s Straits*, and the adjacent seas, under the several rules and restrictions herein after expressed; that is to say,

every such ship or vessel, before she proceeds on such voyage, shall be visited by the proper officer or officers of the Customs belonging to such port, who shall examine into such ship or vessel, and 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 Revenue in *Ireland*; and if it appears by the certificate of such officer or officers that she hath on board such a number of men, provisions, boats, fishing lines, and instruments to be used in such fishery as herein after are mentioned; that she is strongly built, and otherwise a proper ship for such voyage and fishery, and hath on board among her crew a sufficient number of harpooners, steersmen, and line-managers, who have been before employed in such voyages (the names of such persons to be contained in such certificate); and if it further appears by the oath of one or more owner or owners, and of the master or Chief Officer of such ship, written at the foot of such certificate, and made before the Collector or Comptroller of such port (who are hereby empowered and required to administer the same), that it is really and truly their firm purpose and determined resolution, that such ship shall, as soon as licence shall be granted, forthwith proceed, so manned, furnished, and accoutred, on a voyage to the *Greenland* seas, or *Davis's Straits*, or the seas adjacent, and there in the then approaching season to use the utmost endeavours of themselves and their ship's Company to take whales, or other creatures living in the sea, and on no other design or view of profit in such voyage, and to import the whale fins, oil, and blubber thereof, into the Kingdom of *Great Britain* (naming the port to which it is their intention to return); and if the master, after such certificate had, and oath made, do also become bound, with two sufficient securities, unto His Majesty, his heirs and successors, in the penalty of such sum as shall be equal to treble the bounty intended by this Act (which Bond the said Collector, with the approbation of the Comptroller, is hereby required to take, and is to be in force for the term of three years against the master and sureties for the faithful dealings of the said master and ship's Company in regard to the said ship and voyage); then, and in all such cases, it shall and may be lawful for any three or more of the said Commissioners of the Revenues in *Ireland* for the time being, on receiving such certificates and oaths made, and it being certified to them by the Collector and Comptroller of such port, that sufficient security hath been given as aforesaid, to give and grant, and they are hereby required to give and grant to the master and owners of such ship, full licence and authority to proceed on such voyage as aforesaid.

"XXII. And to prevent any disputes that may arise whether a ship be properly qualified and duly fitted out for the whale fishery, according to the true intent and meaning of this Act, and intitled to a certificate thereof from the Custom-house Officers," it is hereby enacted, That every ship of the burthen of two hundred tons, designed for this fishery, shall and is hereby obliged to have on board forty fishing lines of one hundred and twenty fathom each, forty harpoon irons, four boats with seven men, including a harpooner, a steersman, and a line-manager, to each boat, making in the whole twenty-eight men besides the master and surgeon, with six months' provision at the least for such number of men; and every ship of

larger burthen an increase of six men, one boat, ten such lines and ten harpoon irons more, for every fifty tons above the said two hundred tons, together with provisions in proportion; and every ship which shall be so employed in the said fishery shall have on board an apprentice, indentured for the space of three years at the least, for every fifty tons burthen, who shall be accounted as one of the number of men required to be on board such ship as aforesaid.

XXIII. And be it further enacted by the authority aforesaid, That on the return of such ship to the port to which the master and mate declared on oath their intention to return, the proper Officers of the Customs at such port shall immediately repair on board, and view the condition of such ship and her lading, and certify the same, together with their observations thereon, as also of the real tonnage of the said ship; and the said Officers are also to take an account or schedule of the names of the master, mate, and other persons on board, distinguishing therein the harpooners and persons more immediately employed in the said fishery, and to certify the same; and the master and mate shall make oath before the Collector and Comptroller (who are hereby empowered and required to administer the same), on the back of, or annexed to the Licence granted as aforesaid, which they are hereby then required to deliver up, that they did in pursuance thereof, mentioning the day of their departure, proceed on a voyage directly to the places aforesaid, and have not since been on any other voyage, or pursued any other design or view of profit; and that they did there (mentioning the time of their stay in those seas) use the utmost endeavour of themselves and their ship's Company to take whales, and other creatures living in those seas; and that all the whale fins, oil, and blubber, imported (if any) in such ship, was really and *bona fide* caught and taken in the said seas by the crew of such ship only, or with the assistance of the crew or some other ship duly licenced for that voyage, pursuant to the directions of this Act; all which schedule, certificate, licence, and oath, shall be transmitted by the Collector and Comptroller of such port to the respective Commissioners of the Customs for that part of *Great Britain* where such ships shall arrive; and such Commissioners being fully satisfied of the faithful dealings of the master and other persons employed in such ships with respect to such voyage and fishery, shall, on demand, cause payment to be made to the master or owners, or to his or their assigns, by the Receiver General of the Customs for that part of *Great Britain* where such ship shall arrive, the bounty or premium following, according to the admeasurement of such ship, duly certified as aforesaid; (that is to say), For every such ship as shall proceed on the said fishery, from the twenty-fifth day of *December* one thousand seven hundred and seventy-five, to the twenty-fifth day of *December* one thousand seven hundred and seventy-six, the sum of forty shillings *per ton*; and for every such ship as shall proceed on the said fishery, from the twenty-fifth day of *December* one thousand seven hundred and seventy-six, to the twenty-fifth day of *December* one thousand seven hundred and eighty-one,

the sum of thirty shillings *per ton*; and for every such ship
549 as shall proceed on the said fishery, from the twenty-fifth day
of *December* one thousand seven hundred and eighty-one, to
the twenty-fifth day of *December* one thousand seven hundred and
eighty-six, the sum of twenty shillings *per ton*.

XXIV. 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 ship which shall proceed on the said fishery after the twenty-fifth day of December one thousand seven hundred and seventy-five, unless such ship shall sail from the port where she shall be surveyed, and cleared directly on her intended fishery, on or before the tenth day of April in each and every year, and shall continue with her crew in the *Greenland* seas, or *Davis's Straits*, or the adjacent seas, diligently endeavouring to catch whales, or other creatures living in those seas, and shall not depart from thence before the tenth day of August then following, unless such ship shall be laden with the blubber and fins of one whale, caught by the crew thereof, or with the assistance of the crew of some other licenced ship, before that time, or shall be forced by some unavoidable accident or necessity to depart sooner from those seas; which accident or necessity shall be verified on the oaths of the master and mate belonging to such ship, upon her return from the said fishery, before the Collector and Comptroller of the Customs at the port where she shall arrive, who shall transmit the same, together with the schedule, licence, and other documents by this Act required, to the respective Commissioners of the Customs for that part of *Great Britain* where she shall arrive.

XXV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the Commissioners of the Customs in *England* and *Scotland* respectively to order the respective Receivers General of the Customs, in case the monies remaining in their hands arising from the Old Subsidy shall not be sufficient at any time or times, during the continuance of this Act, to satisfy the said bounty of forty shillings per ton, and thirty shillings per ton, and twenty shillings per ton, during the several periods herein before limited, payable on all ships employed in the said fishery, according to the directions of this present Act, to pay the same out of any money that shall be in their hands arising from any of the duties and revenues under their management respectively.

XXVI. And be it further enacted by the authority aforesaid, That the Commissioners of His Majesty's Customs in *England* and *Scotland* respectively shall, at the beginning of every Session of Parliament, lay before both Houses of Parliament an account in writing, under their hands, of what number of ships employed in the whale fishery to *Davis's Straits* and the *Greenland* seas, in pursuance of this Act, with their respective names and burthens, have returned to *Great Britain*, and at what port in *Great Britain* they were discharged, and also what quantity of oil, blubber, or whale fins, each ship shall have imported, and from what port in *Ireland* or the *Isle of Man* they were fitted out.

XXVII. And whereas it hath been found by experience, that ships under the burthen of two hundred tons are fit for the said fishery; be it therefore enacted and declared by the authority aforesaid, That every owner or owners of any ship or ships under the burthen of two hundred tons, which shall be employed in the said fishery, who have conformed themselves in all respects to the rules and directions herein before prescribed to the owners of ships of two hundred tons, shall be intitled to the said bounty, as herein before

limited, according to the admeasurement of such ship or ships respectively.

XXVIII. Provided always, and be it enacted by the authority aforesaid, That no ship to be employed in the said fishery, although she be above the burthen of four hundred tons, shall be intitled to a larger bounty than a ship of four hundred tons would be intitled to.

XXIX. Provided also, That nothing in this present Act contained shall extend, or be construed to extend, to oblige the owner or owners of any ship above the burthen of four hundred tons, in order to intitle him or them to the said bounty, to fit out, equip, and man any such ship, otherwise than as a ship of the burthen of four hundred tons only is, by this present Act, required to be fitted out, equipped, and manned.

XXX. Provided also, and it is hereby further enacted by the authority aforesaid, That every apprentice indentured after the twenty-fifth day of *December* one thousand seven hundred and seventy-five, to serve on board any ship or vessel proceeding on the fisheries, in pursuance of this or any other Act of Parliament now in force, granting any bounty or bounties thereon, shall not exceed the age of eighteen years, nor be under fourteen, at the time he shall be so indentured; and that no bounty shall be allowed or paid for any ship or vessel so employed, either by virtue of this or any former Act of Parliament, unless the whole and entire property of such ship or vessel shall belong to some of His Majesty's subjects residing in that part of His Majesty's Dominions from whence such ship or vessel shall be respectively fitted and cleared out, any law, custom, or usage, to the contrary notwithstanding.

"XXXI. And, to prevent any application to Parliament for the bounty on any ship employed in either of the fisheries before mentioned, which may happen to be lost at sea before their return to *Great Brituin*," be it declared and enacted by the authority aforesaid, That it shall and may be lawful for the owner or owners of any ship, employed, or designed to be employed, in the said fisheries, or either of them, to insure the bounty which such owner or owners would have been intitled to upon the return of such ship to *Great Britain*, on the performance of all other matters directed and appointed by this present Act to be performed for obtaining the said bounties.

XXXII. And it is hereby further enacted by the authority aforesaid, That if any person or persons shall give or grant any false certificate for any of the purposes required or directed by this Act, such person or persons shall forfeit the sum of five hundred pounds, and be rendered incapable of serving His Majesty, his heirs or successors, in any office whatsoever; and if any person or persons shall counterfeit, 550 erase, alter, or falsify, any certificate required or directed by this Act, or shall knowingly or willingly make use of any false certificate, or of any certificate so counterfeited, erased, altered, or falsified, such person or persons shall, for every such offence, forfeit the sum of five hundred pounds; and every such certificate shall be invalid, and of no effect.

XXXIII. And it is hereby further enacted by the authority aforesaid, That one moiety of the penalties and forfeitures inflicted by this Act (except in such cases where other directions are given by this Act) shall be to the use of His Majesty, his heirs and suc-

cessors, and other moiety to such officer or officers of the customs as shall sue or prosecute for the same in any of His Majesty's Courts of Record at *Westminister* or *Dublin*, or in the Court of Exchequer in *Scotland*, or in any Court of Admiralty having jurisdiction in His Majesty's Colonies or Islands respectively, where the offence shall be committed.

XXXIV. And be it further enacted by the Authority aforesaid, That from and after the first Day of *January* one thousand seven hundred and seventy-six, the Penalties and Forfeitures inflicted by any Act of Parliament relating to the trade or Revenues of the *British* Colonies or Plantations in *America*, which shall be incurred in the said Island of *Newfoundland*, shall be sued for, prosecuted, and recovered, in the Court of Vice Admiralty having Jurisdiction in the said Island, and in no other; and if any Person or Persons shall think him or themselves aggrieved by any Judgment, Sentence, or Determination of any Court of Vice Admiralty, or other Court having Jurisdiction in *Newfoundland*, upon any Suit or Prosecution commenced there for any Penalty or Forfeiture inflicted by any Act of Parliament relating to the Trade or Revenues of the *British* Judgment, Sentence, or Determination, in the first Instance, to the proper Court of Admiralty in *Great Britain*, or to his Majesty in Council; and that no appeal shall in such Case lie or be brought in any other Court or Jurisdiction whatsoever, any Law, Custom, or Usage, to the contrary notwithstanding.

XXXV. And it is hereby further enacted by the Authority aforesaid, That from and after the first Day of *January*, one thousand seven hundred seventy-six, the Customs and other Duties which now are or hereafter may be due and payable upon any Goods or Merchandises brought or imported into, or exported or carried from, the Island of *Newfoundland*, by virtue of this or any Act or Acts of Parliament, and the Officers of his Majesty's Customs appointed for executing and carrying into Execution the several Laws relating to the Trade and Revenue there, shall be under the Management and Direction of the Commissioners of his Majesty's Customs in *England* for the Time being, under the Authority and Direction of the High Treasurer of *Great Britain*, or the Commissioners of the Treasury for the Time being, any Law, Patent, Custom, or Usage, to the contrary notwithstanding.

XXXVI. Provided always, and it is hereby further enacted by the Authority aforesaid, That all Deputations and other Authorities granted by the Commissioners of the Customs for *North America*, before the said first Day of *January* one thousand seven hundred and seventy-six, to any Officer or Officers acting in and for the said Island of *Newfoundland*, shall continue in Force, as fully to all Intents and Purposes as if this Act had not been made, until the Deputations or other authorities so granted to such Officer or Officers respectively shall be revoked, annulled, or made void by the High Treasurer of *Great Britain*, or Commissioners of the Treasury for the Time being.

XXXVII. And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act of Parliament the Defendant or Defendants in such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evi-

dence at any trial to be had thereupon, and that the same was done in pursuance of and by the Authority of this Act: And if it shall appear so to have been done, the Jury shall find for the Defendant or Defendants; and if the Plaintiff shall be nonsuited, or discontinue his Action after the Defendant or Defendants have appeared, or if Judgment shall be given upon any Verdict or Demurrer against the Plaintiff, the Defendant or Defendants shall recover treble Costs, and have the like remedy for the same as Defendants have in other Cases by Law.

No. 19.—1776: Extract from British Statute, 16 Geo. III, Cap. 5.

An Act to prohibit all trade and intercourse with the colonies of New Hampshire, Massachuset's Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the three lower counties on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, during the continuance of the present rebellion within the said colonies respectively; for repealing an Act, made in the fourteenth year of the reign of His present Majesty, to discontinue the landing and discharging, lading or shipping, of goods, wares, and merchandise, at the town and within the harbour of Boston, in the province of Massachuset's Bay; and also two Acts, made in the last session of Parliament, for restraining the trade and commerce of the colonies in the said Acts respectively mentioned; and to enable any person or persons, appointed and authorised by His Majesty to grant pardons, to issue proclamations, in the cases and for the purposes therein mentioned.

“Whereas many persons in the colonies of *New Hampshire, Massachuset's Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the three lower counties on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia,* 551 have set themselves in open rebellion and defiance to the just and legal authority of the King and Parliament of *Great Britain*, to which they ever have been, and of right ought to be, subject; and have assembled together an armed force, engaged His Majesty's troops, and attacked his forts; have usurped the powers of government, and prohibited all trade and commerce with this kingdom, and the other parts of His Majesty's dominions: for the more speedily and effectually suppressing such wicked and daring designs, and for preventing any aid, supply, or assistance, being sent thither during the continuance of the said rebellious and treasonable commotions,” be it therefore declared and 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 all manner of trade and commerce is and shall be prohibited with the colonies of *New Hampshire, Massachuset's Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the three lower counties on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia;* and that all ships and vessels of or belonging to the inhabitants of the said colonies, together with their cargoes, apparel, and furniture, and all other ships and vessels whatsoever, together with their cargoes, apparel, and furniture, which shall be found trading in any port or place of said colonies, or going to trade, or coming from trading, in any such port or place, shall become forfeited to His Majesty, as if the same were the ships and effects of open

enemies, and shall be so adjudged, deemed, and taken in all courts of Admiralty, and in all other courts whatsoever.

II. Provided always, and it is hereby further enacted and declared by the authority aforesaid, That nothing in this Act shall extend, or be construed to extend, to such ships and vessels as shall be actually retained or employed in His Majesty's service, or to such ships and vessels as shall be actually retained or employed in His Majesty's service, or to such ships and vessels as shall be laden with provisions for the use of His Majesty's fleets, armies, or garrisons, or for the use of the inhabitants of any town or place garrisoned or possessed by any of His Majesty's troops, provided the masters of such ships and vessels respectively shall produce a licence in writing, under the hand and seal of the Lord High Admiral of *Great Britain* for the time being, or of three or more commissioners for the time being for executing the office of Lord High Admiral of *Great Britain*, or of the commanders of His Majesty's fleets or armies, or of the governor, lieutenant governor, or commander in chief of any of His Majesty's colonies or provinces not herein before mentioned, specifying the voyage in which such ship or vessel shall be employed, and expressing the time for which such licence shall subsist and be in force, and also expressing the quantity and species of the said stores and provisions on board: and if any goods, wares, or merchandises, other than stores and provisions for His Majesty's use, or provisions for the use of the inhabitants of any town or place garrisoned and possessed by His Majesty's troops, shall be found on board such ships or vessels (the necessary stores for the ship's use, and the baggage of the passengers, only excepted), in any or either of those cases, the said goods, wares, and merchandises, shall be forfeited, and shall and may be seized and prosecuted in the manner herein after directed.

"III. And, for the encouragement of the officers and seamen of His Majesty's ships of war." be it further enacted, That the flag officers, captains, commanders, and other commissioned officers in His Majesty's pay, and also the seamen, marines, and soldiers on board, shall have the sole interest and property of and in all and every such ship, vessel, goods, and merchandise, which they shall seize and take (being first adjudged lawful prize in any of His Majesty's courts of Admiralty), to be divided in such proportions, and after such manner, as His Majesty shall think fit to order and direct by proclamation or proclamations hereafter to be issued for those purposes.

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"XLII. And whereas an Act was passed in the fourteenth year of the reign of his present Majesty (intituled, *an Act to discontinue, in such manner, and for such time, as are therein mentioned, the landing and discharging, lading or shipping, of goods, wares, and merchandise, at the town and within the harbour of Boston, in the province of Massachusetts Bay, in North America*); and also an Act passed in the last session of Parliament (intituled, *an Act to restrain the trade and commerce of the provinces of Massachusetts Bay and New Hampshire, and colonies of Connecticut, and Rhode Island, and Providence Plantation, in North America, to Great Britain, Ireland, and the British islands in the West Indies; and to prohibit such provinces and colonies from carrying on any fishery on the banks of Newfoundland, or other places therein mentioned, under certain conditions and limitations*); and also another Act passed in the same session (in-

tituled, *an Act to restrain the trade and commerce of the colonies of New Jersey, Pennsylvania, Maryland, Virginia, and South Carolina, to Great Britain, Ireland, and the British islands in the West Indies, under certain conditions and limitations*) : and whereas the prohibitions and restraints imposed by the said Acts will be rendered unnecessary by the provisions of this Act:" be it therefore enacted by the authority aforesaid, That from and after the first day of *January* one thousand seven hundred and seventy-six, the said Acts shall be, and the same are hereby repealed.

XLIII. And be it further enacted by the authority aforesaid, That this Act, so far as the same relates to the capture and forfeiture of ships and vessels belonging to the inhabitants of the above-mentioned colonies, shall, except in the cases herein before mentioned, commence and be in force from and after the first day of *January* one thousand seven hundred and seventy-six; and so far as the same relates to the capture and forfeiture of all other ships and vessels that shall be found going to trade in or at any of the said colonies, from and after the first day of *February* one thousand seven hundred and seventy-six; and so far as the same relates to the capture and forfeiture of all other ships and vessels that shall be found trading in or at any of the said colonies, or bound and trading from any port or place in the same, from and after the twenty-fifth day of *March* one thousand seven hundred and seventy-six; and shall continue to be in force so long as the said colonies respectively shall remain in a state of rebellion.

552 XLIV. Provided always nevertheless, and it is hereby enacted by the authority aforesaid, That in order to encourage all well-affected persons in any of the said colonies to exert themselves in suppressing the rebellion therein, and to afford a speedy protection to those who are disposed to return to their duty, it shall and may be lawful to and for any person or persons appointed and authorised by His Majesty, to grant a pardon or pardons to any number or description of persons, by proclamation, in His Majesty's name, to declare any colony or province, colonies or provinces, or any county, town, port, district, or place, in any colony or province, to be at the peace of His Majesty; and from and after the issuing of any such proclamation in any of the aforesaid colonies or provinces, or if His Majesty shall be graciously pleased to signify the same by his royal proclamation, then, from and after the issuing of such proclamation, this Act, with respect to such colony or province, colonies or provinces, county, town, port, district, or place, shall cease, determine, and be utterly void; and if any captures shall be made, after the date and issuing of such proclamations, of any ships or vessels, and their cargoes, belonging to the inhabitants of any such colony or province, colonies or provinces, county, town, port, district, or place, or of any ships trading to or from such colony or province, colonies or provinces respectively, the same shall be restored to the owners of such ships or vessels upon claim being entered, and due proof made, of their property therein, and the captors shall not be liable to any action for seizing or detaining the said ships or vessels, or their cargoes, without proof being made that they had actual notice of such proclamation having been issued.

XLV. Provided always, That such proclamation or proclamations shall not discharge or suspend any proceeding upon any capture of any such ship or vessel made before the date and issuing thereof.

No. 20.—1778: *British Statute, 18 Geo. III, Cap. 42.*

An Act to enable the Corporation of *Trinity House of Deptford Strand* to establish and maintain a Light-house on the Rocks called *The Smalls*, in *Saint George's Channel*.

“Whereas by an Act of Parliament, made in the eighth Year of the Reign of our late Sovereign Queen *Elizabeth*, intituled, *An Act concerning Sea-marks and Mariners*, the Master, Wardens and Assistants, of the Corporation of *Trinity House of Deptford Strand*, are empowered to erect and set up Beacons, Marks, and Signs for the Sea, needful for avoiding of Dangers, and to renew, continue, and maintain the same, in such manner as in the said Act is mentioned: And whereas, by certain Letters Patent, granted by her said late Majesty, bearing date at *Westminster*, the eleventh day of *June*, in the thirty-sixth year of her reign, the Office of Beaconage and Buoyage was granted to the said Corporation and their Successors for ever, together with all fees, advantages, profits, and rights, payable or appertaining to that Office: And whereas there are certain Rocks dangerous to navigation, called *The Smalls*, lying in *Saint George's Channel*; upon one of which said Rocks a Light-house has been erected: And whereas the said Light-house hath lately been greatly damaged by the force of the sea, owing to its not being sufficiently elevated: And whereas many hundreds of Merchants, Traders, Owners, and Masters of Ships, of the Kingdoms of *Great Britain* and *Ireland*, using, or interested in, the Navigation of *Saint George's* and the *Bristol Channels*, having requested the said corporation to cause the said Light-house, which hath been erected on one of the said rocks, to be repaired, or a new one instead thereof to be erected, as they should adjudge to be most beneficial to Navigation, and declared their consent, that, for defraying the charges and expenses attending the same, and the management thereof, and of Lights therein, reasonable Duties might be imposed and taken for or in respect of all *British, Irish*, and foreign ships or other vessels, which should pass within the limits herein-after mentioned; they the said Master, Wardens, and Assistants, having considered of the said request, have therefore resolved to cause the said present Light-house to be repaired, improved, and supported, and a Light to be exhibited therein, in case they shall be enabled to defray the expenses attending the said Light-house, and the maintenance thereof, by receipt of such reasonable duties as have been so consented and agreed to be imposed and taken as aforesaid: And whereas such Light-house will be of great utility, and tend to the Safety and Preservation of his Majesty's Navy, and of the Ships, Goods, and Lives, of his Subjects, and others, navigating *Saint George's* and the *Bristol Channels*, and passing within such limits as herein-after mentioned: And, forasmuch as the speedy repair of the said Light-house is absolutely necessary: To the end therefor that a work of such public nature, and so greatly beneficial to navigation,

may have all due encouragement;" may it please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That for ever, from and after the kindling or placing a light, for the benefit of shipping, in a Light-house on one of the said Rocks called *The Smalls*, there shall be paid to the Master, Wardens, and Assistants, of *Trinity House of Deptford Strand*, their Successors and Assigns, for every *British* or *Irish* ship, or other vessel whatsoever (except ships or vessels of war of his Majesty, his Heirs and Successors), which shall pass to, from, by, or near the said Rock, or which shall pass between *Cape Clear*, in the Kingdom of *Ireland*, and the *Land's End*, in the County of *Cornwall*, and so up the *Bristol Channel*, eastward of the *Isle of Lundy*, or to *Milford Haven*, or *Linney Point*, in the County of *Pembroke*, or the said Rocks of *The Smalls*, in any direction, within twelve leagues of the said Light-house, or which shall or may have any benefit of the said Light-house or light, the following several Tolls or Duties; (that is to say)

553 For every such *British* or *Irish* ship or other vessel, not being a ship of war belonging to his Majesty, his Heirs or Successors, bound to or from and Port or Place in *Great Britain* or *Ireland*, from or to any foreign port or place (neither of the said Kingdoms to be for this Purpose deemed to be foreign, with respect to ships or vessels bound only from the one to the other of them), the Toll or Duty of one Penny for each Ton of the Burthen of every such ship or vessel, for every such passage as aforesaid.

For every ship or vessel of aliens, bound to or from any port or place in either of the said Kingdoms, or from one foreign Port to another, a Toll or duty of Twopence for each Ton of the Burthen of every such last-mentioned ship or vessel, for every such passage as aforesaid.

And for every *British* or *Irish* ship, or other vessel, bound coastwise from one port to another in either of the said Kingdoms, or from any port or place in either of the said Kingdoms to any Port or Place in the other of the said Kingdoms, and returning without making any foreign voyage, the Toll or Duty of one Halfpenny for each Ton of the Burthen of every such last-mentioned ship or vessel, for every passage as aforesaid.

The said several Tolls or Duties to be paid, by the respective Masters or Commanders of such Ships or Vessels respectively, to such Person or Persons as the said Master, Wardens, and Assistants, or their Successors or Assigns, shall from time to time authorise and appoint to collect the same, in such port or place, in either of the said Kingdoms of *Great Britain* and *Ireland*, whence any such ship or other vessel shall set forth, or where any such ship or other vessel shall arrive, before the loading or unloading the goods therein; all which said Tolls or Duties shall and may be recovered by Action of Debt in any of his Majesty's Courts of Record in either of the said Kingdoms; wherein no Essoin, Wager of Law, or Protection, shall be allowed, nor more than one Imparlane.

"II. And, to the intent the said Tolls or Duties may be truly answered and paid," be it further enacted by the authority aforesaid,

That no Customer, Collector of his Majesty's Customs, Comptroller, Receiver of Entries of Ships, Surveyor, or Searcher, Waiter, or other Officer whatsoever, of or concerning the said Customs for the time being, or their or any of their Deputies or Clerks, at any Port, Harbour, Road, Creek, Haven, or Place, within either of the said Kingdoms of *Great Britain* and *Ireland*, where any such Ship or other Vessel, liable as aforesaid, shall set sail or arrive, shall at any Time hereafter give or make out, or cause, permit, or suffer, to be given or made out, any Docket or other Discharge whatsoever; or receive or take any Entry or Docket, or give any Certificate, Return Bills, or other Discharge whatsoever, respectively; or permit any goods or stores to be laid on Land, or discharged or shipped out from or on any of the said ships or other vessels; or suffer any ship or other vessel, either *British*, *Irish*, or Stranger, liable or subject to the payment of any of the said Tolls or Duties, to pass by or from them or any of them, until a Receipt, Ticket, or Note be produced, under the Hand of the Collector to be authorised by the said Corporation, their Successors or Assigns, to collect the said Tolls or Duties at such Port or other place where such ship or other vessel shall set forth or arrive, testifying the payment of the said Tolls or Duties for or in respect of such ship or other vessel.

III. Provided always nevertheless, and it is hereby further enacted and declared, That nothing in this Act contained shall extend, or be construed, deemed, or taken to extend, to charge or make liable any Person or Persons with or to the payment of any of the said Tolls or Duties, any longer than the said Light-house shall continue to be supported, and a Light exhibited thereon during the night season, or for or in respect of any ship or vessel taking in or loading any Coals or Culm, in any place lying in *Bride's Bay*, and carrying the same to any Port or Place within the Principality of *Wales*, or in carrying Lime-stones from one port or place to another.

IV. And be it further enacted by the Authority aforesaid, That certain letters Patent, under the Seal of His Majesty's Exchequer at *Westminster*, bearing Date the fifth day of *August*, in the fifteenth year of the reign of his present Majesty, containing a Grant unto *John Phillips*, of *Liverpool* in the County of *Lancaster*, Esquire, of the said Rocks called *The Smalls*; also Liberty, License, Power, and Authority, of erecting, supporting, and maintaining, a Light-house or Light-houses, Beacon or Beacons, in or upon the said Rocks, and to collect and take certain Duties, in the same Letters Patent mentioned, for the term of fifty years from the date thereof; and all the estate, right, title, term of years, powers, and authorities derived, or which can or may be claimed, or pretended to be derived, under or by virtue of the same Letters Patent, and every matter, clause, and thing therein contained, shall, and the same are hereby enacted and declared to be, from and immediately after the passing of this present Act, null, void, and of none effect, to all intents and purposes whatsoever.

V. And be it further enacted by the Authority aforesaid, That the said Rocks called *The Smalls* shall, and the same are hereby enacted and declared to be, by virtue of this present Act, from and immediately after the passing thereof, vested in the said Master, Wardens, and Assistants, and their successors and assigns for ever, for the purpose of erecting, supporting, and maintaining the said Light-

house; subject nevertheless to the payment to his Majesty, his Heirs and Successors, of the clear yearly rent or sum of five pounds of lawful money of *Great Britain*; which said rent of five pounds shall be paid into the Receipt of his Majesty's Exchequer at Westminster, or into the hands of his Majesty's Receiver-General of *South Wales* for the time being, by four equal quarterly payments, at or upon the Feast Days or times in every year herein next after mentioned; (that is to say) *The Annunciation of the Blessed Virgin Mary*, *Saint John the Baptist*, *Saint Michael the Archangel*, and *the Birth of our Lord Christ*; the first payment thereof to begin and be made on such of the said Feast Days as shall next happen after the passing of this present Act.

VII. And be it further enacted by the Authority aforesaid, That if any action or suit shall be brought or commenced against any Person or Persons, for any thing done in pursuance of this Act, every such action or suit shall be brought or commenced within six Calendar months next after the Fact committed, and not afterwards,

and shall be laid and brought in the County or City where
554 the Cause of such action or suit shall arise, and not elsewhere;

and shall not be removed by *Certiorari*, or any other Writ or Process whatsoever; and the Defendant or Defendants in such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence upon any trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act: And if it shall appear to have been so done, or any such action or suit shall be brought after the time so limited for bringing the same, or shall be brought in any County or Place otherwise than as aforesaid, then, and in any such Case, the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuit, or suffer a Discontinuance of his, her, or their Action or Actions, Suit or Suits, after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs of Suit, and shall have such Remedy for recovering the same, as any Defendant or Defendants hath or have for Costs of Suit in any other Cases by Law.

VIII. And be it further enacted by the Authority aforesaid, That this Act shall be taken and allowed, in all Courts of Law or Equity within the Kingdoms of *Great Britain* and *Ireland*, as a public Act; and all Judges and Justices are hereby required to take Notice thereof as such, without specially pleading the same.

No. 21.—1782: *British Statute, 22 Geo. III, Cap. 46.*

An Act to enable His Majesty to conclude a Peace or Truce with certain Colonies in *North America* therein mentioned.

“Whereas it is essential to the interests, welfare, and prosperity of *Great Britain*, and of the colonies or plantations of *New Hampshire*, *Massachusetts Bay*, *Rhode Island*, *Connecticut*, *New York*, *New Jersey*, *Pennsylvania*, the three lower counties on *Delaware*, *Mary-*

land, Virginia, North Carolina, South Carolina, and Georgia, in North America, that peace, intercourse, trade, and commerce, should be restored between them: Wherefore, and for a full manifestation of the earnest wish and desire of His Majesty and his Parliament to put an end to the calamities of war," 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 it shall and may be lawful for His Majesty to treat, consult of, agree, and conclude, with any commissioner or commissioners, named or to be named by the said colonies or plantations, or any of them respectively, or with any body or bodies corporate or politic, or any assembly or assemblies, or description of men, or any person or persons whatsoever, a peace or a truce with the said colonies or plantations, or any of them, or any part or parts thereof; any law, Act or Acts of Parliament, matter, or thing, to the contrary in any wise notwithstanding.

II. "And, in order to obviate any impediment, obstacle, or delay, to the carrying the intentions of his Majesty and his Parliament into effect, which might arise from any Act or Acts of Parliament affecting or relating to the said colonies or plantations," be it further enacted by the authority aforesaid, That, for the concluding and establishing of a peace or truce with the said colonies or plantations, or any of them, His Majesty shall have full power and authority, by virtue of this Act, by his letters patent, under the Great Seal of *Great Britain*, to repeal, annul, and make void, or to suspend, for any time or times, the operation and effect of any Act or Acts of Parliament which relate to the said colonies or plantations, or any of them, so far as the same do relate to them, or any of them, or any part or parts thereof, or any clause, provision, or matter therein contained, so far as such clauses, provisions, or matters relate to the said colonies, or plantations, or any of them, or any part or parts thereof.

III. And be it further enacted, that this Act, as to the exercise of the powers and authorities hereby given to His Majesty, shall continue to be in full force until the first day of *July*, one thousand seven hundred and eighty-three.

No. 22.—1785, July 25: *Order providing for regulation of fishery at Bay of Chaleur.*

GEORGE R.

Additional instruction to our trusty and well-beloved Frederick Haldimand Esqr. our Captain General and Governor in Chief of our province of Quebec in America, or to the Commander in Chief of the said province for the time being. Given at our Court at St. James's the twenty fifth day of July 1785, In the twenty fifth year of our reign.

Whereas it will be for the general benefit of our subjects carrying on the fishery in the Bay of Chaleur, in our province of Quebec, that such part of the beach and shore of the said Bay, as is ungranted, should be reserved to us, our heirs and successors; it is therefore our will and pleasure that you do not in future direct any survey to be made, or grant passed for any part of the

ungranted beach or shore of the said Bay of Chaleur, except such parts thereof, as by our Orders in Council dated the 29th of June, and 21st of July 1785, are directed to be granted to John Shoolbred of London, Merchant, and Messrs. Robin Pipon and Company, of the Island of Jersey, Merchants, but that the same be reserved to us, our heirs and successors, together with a sufficient quantity of wood-land adjoining thereto necessary for the purpose of carrying on the fishery; the limits of such wood-land so to be reserved, to be determined upon and ascertained by you and our Council for our said province of Quebec, in such manner, as from the most authentic information shall appear to you and them most convenient and proper for that purpose; It is nevertheless our intention, and we do hereby signify to you our will and pleasure, that the free use of such beach or shore, and of the wood-lands so to be reserved, shall be allowed by you, or any person authorised by you, to such of our subjects as shall resort thither for the purpose of carrying on the fishery, in such proportions as the number of shallop, he or they shall respectively employ may require; provided, that if any fisherman who shall have permission to occupy any part of the said beach or shore and wood-land for the purpose of the said fishery, shall not during any one season, continue so to occupy and employ any part of the said beach and shore and wood-lands so allotted to him, you or any person authorized by you as above, may and shall allow the use of such part to any other fisherman, who shall apply for the same, for the purpose of carrying on the fishery.

And whereas it may be necessary to establish local regulations to prevent abuses, as well as disputes and misunderstanding between the fishermen resorting to the said beach or shore, it is our will and pleasure, that you by and with the advice and consent of our said council, do frame such regulations as to you shall appear necessary to answer those salutary purposes, and transmit the same to Us through one of our principal Secretaries of State for our pleasure therein by the first opportunity.

G. R.

No. 23.—1786: *British Statute, 26 Geo. III, Cap. 26.*

AN Act to amend and render more effectual the several laws now in force for encouraging the Fisheries carried on at Newfoundland and Parts adjacent, from Great Britain, Ireland, and the British Dominions in Europe; and for granting Bounties, for a limited time, on certain Terms and Conditions.

“ Whereas the Bounties granted to a certain Number of Vessels employed in the *British Fishery* on the Banks of *Newfoundland*, by an Act passed in the fifteenth Year of the Reign of his present Majesty, intituled, *An Act for the Encouragement of the Fisheries carried on from Great Britain, Ireland, and the British Dominions in Europe; and for securing the Return of the Fishermen, Sailors, and others employed in the said Fisheries, to the Ports thereof at the End of the Fishing Season*, will expire on the First Day of January one thousand seven hundred and eighty seven: And whereas, at the Expiration thereof, it is expedient that new Bounties should be granted, for a limited Time, under certain Conditions, Limitations, and Restrictions: And whereas it has been found by Experience, that several

of the Provisions and Regulations contained in the Laws now in force for encouraging the Fisheries carried on at *Newfoundland*, and Parts adjacent, are insufficient to answer the good Purposes thereby intended, and that it is requisite that other Provisions and Regulations should be enacted:” To that End, 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 first Day of *January* one thousand seven hundred and eighty-seven, the respective Bounties herein-after mentioned shall be paid and allowed annually, for ten Years, to a certain number of Ships or Vessels employed in the *British Fishery* on the Banks of *Newfoundland*, under the Limitations and Restrictions herein-after expressed; that is to say, That such Vessels shall appear by their Register to be *British-built*, and wholly owned by His Majesty’s subjects residing in *Great Britain*, *Ireland*, or the Islands of *Guernsey*, *Jersey*, or *Man*; and shall be navigated each with a Master, and at least three Fourths of the Mariners being *British* subjects, usually residing in his Majesty’s *European Dominions*; and shall be in other Respects qualified and subject to the same Rules and Restrictions as are prescribed by an Act, made in the tenth and eleventh years of the Reign of King WILLIAM the Third, intituled, *An Act to encourage the Trade to Newfoundland*; and shall be fitted and cleared out from some Port in *Great Britain*, or from the Islands of *Guernsey*, *Jersey*, or *Alderney*, after the said first Day of *January* one thousand seven hundred and eighty-seven, and after that Day in each succeeding Year, and shall proceed to the Banks of *Newfoundland*; and having catched a Cargo of Fish upon those Banks, consisting of not less than ten thousand Fish by Tale, shall land the same at any one of the Ports on the North, the East, or the South Side of the Island of *Newfoundland*, between *Cape Saint John* and *Cape Raye*, on or before the fifteenth Day of *July* in each Year, and shall make one more trip, at least, to the said Banks, and return with another cargo of Fish catched there, to the same Port: In which Case, the one hundred vessels which shall first arrive at the Island of *Newfoundland* from the Banks thereof, with a Cargo of Fish catched there, consisting of ten thousand Fish by Tale, at the least; and which, after landing the same at one of the Ports within the Limits before mentioned 556 in *Newfoundland*, shall proceed again to the said Banks, and return to the said Island with another Cargo of Fish, shall, if navigated with not less than twelve men each, be intitled to forty Pounds each; but if any of the said one hundred vessels, so first arriving as aforesaid, shall be navigated with less than twelve Men each, and not less than seven, they shall be intitled to twenty-five Pounds each: Provided always, That if, in either of the Cases before mentioned, any of the one hundred vessels, so first arriving as aforesaid, shall be wholly navigated by men going out upon shares; that is to say, receiving a certain Share of the profits arising from the Voyage in lieu of Wages, such of the said Vessels as shall be so navigated by not less than twelve Men each, shall be intitled to fifty Pounds each; and if so navigated with a less Number than twelve Men, and not less than seven, shall be intitled to thirty-five Pounds each. And further, that the one hundred Vessels which shall next so arrive in order of Time, on or before the said fifteenth Day of

July in each Year, at the said Island, with a like Cargo, and shall proceed again to the said Banks, and return from thence in the Manner herein before mentioned, shall, if navigated with not less than twelve Men each, be intitled to twenty-five Pounds each; but if such one hundred Vessels, so arriving as aforesaid the next in order of Time, shall be navigated each with less than twelve, and not less than seven Men, they shall be intitled to eighteen Pounds each: Provided also, That if, in either of the Cases last mentioned, any of the Vessels so arriving next in order of Time as aforesaid, shall be so navigated wholly by Men going out upon Shares, that is to say, receiving a certain Share of the Profits arising from the Voyage in lieu of Wages, such of the said Vessels as shall be so navigated by not less than twelve Men each, shall be intitled to thirty-five Pounds each; and if so navigated with a less Number than twelve Men, and not less than seven, shall be intitled to twenty-one Pounds each; upon the Master or Owner of every such Vessel respectively producing to the Collector or other Principal Officer of his Majesty's Customs, at the Port in *Great Britain* from whence such Vessel was cleared out, or, if cleared out from either of the said Islands of *Guernsey*, *Jersey*, or *Alderney*, to the Collector or other Principal Officer of the Customs in some Port of *Great Britain*, a Certificate, under the Hand and Seal of the Governor of *Newfoundland*, that the Master of such Vessel had produced to him a Certificate, under the Hands of the Collector and Comptroller of the Customs at the Port from whence such Vessel was cleared out, or if cleared out from the Islands of *Guernsey*, *Jersey*, or *Alderney*, under the Hands of the Governor or Deputy Governor, and Principal Officer of the Customs there, testifying that such Vessel was duly qualified to proceed on such Fishery in pursuance of the before recited Act, made in the tenth and eleventh Years of the Reign of King WILLIAM the Third; and that it has been made to appear to his Satisfaction, by a Certificate under the Hand and Seal of the Naval Officer of the District in *Newfoundland* where such Fish was landed, or, where there is no Naval Officer, under the Hand and Seal of the Commander of any of his Majesty's Ships stationed there, or of such Officer as the Governor shall approve, specifying the Time of such Vessel's Arrival in Manner before directed, that such Vessel was intitled, by the Priority and Time of her Arrival, to one or other of the Bounties therein mentioned, as the Fact may be; and that the Master and Mate of such Vessel had made Oath, before such Naval or other Officer as aforesaid, that the Number of Fish taken on the first Trip amounted to ten thousand at least by Tale; that he had made two Trips at least, and that all the Fish on both Trips were catched on the Banks of *Newfoundland* by the Crew of such Vessel only; which Certificate and Oath the said Governor, and Naval or other Officer as aforesaid, are hereby impowered and required to grant and administer to the Master and Mate of such Vessel, without Fee or Reward; and upon delivering up the said Certificate to such Collector, the respective Bounties therein mentioned shall be paid by such Collector in such and the like Manner, and out of the same Funds, as the Bounties herein before mentioned to have been granted by the said recited Act, made in the said fifteenth Year of the Reign of his present Majesty.

II. And be it further enacted by the Authority aforesaid, That in each and every Certificate of a Ship being duly qualified as aforesaid

to proceed on the said Fishery, there shall be inserted the real Number of the Mariners then belonging to such Vessel, and intended to be employed in the said Fishery, distinguishing how many of them are new or green Men, and whether they are hired upon Shares, or are to receive Wages; which Facts are to be verified on the Oath of the Master of the Vessel, made or taken before the Person who shall grant the said Certificate, and who is hereby authorised and required to administer to same, and to insert such Facts in such Certificate; and if such Vessels shall be cleared out from the said Islands of *Guernsey*, *Jersey*, or *Alderney*, then such Oath shall be taken before a Magistrate of the Royal Court, in the Presence of the Principal Officer of the Customs who shall grant such Certificate, the whole to be attested by the Governor of each of the said Islands respectively; on Failure whereof, such Vessels shall be excluded from the Benefit of this Act, and shall not be intitled to or receive any of the Bounties herein before granted.

III. And be it further enacted by the Authority aforesaid, That the several Certificates to be given and Affidavits taken in *Newfoundland* as aforesaid, in order to satisfy the said Governor of the said Island, as to the Facts to ground his Certificate thereupon, as herein before directed, for the Payment of the said Bounties, shall and are hereby required, within the District of *Saint John's*, in the said Island of *Newfoundland*, to be transmitted to the said Governor at *Saint John's*, before the fifteenth Day of *September* in each Year, and within any other District in the said Island before the thirtieth Day of *September* in each Year, in order that he may perfectly examine the Documents, and thoroughly investigate the same, so as to be able clearly and justly to settle the Times of the Arrivals as aforesaid of the several and respective Vessels, and adjust the different Bounties, and to whom they are and ought severally to be paid.

IV. And be it further enacted by the Authority aforesaid, That every Master of a Vessel, intitled to any of the Bounties herein before granted, shall, before he shall receive the same, or any part thereof, made Oath before the Collector and Comptroller, or

557 other Chief Officer at the Port in *Great Britain* where he shall arrive on his Return from the said Fishery upon the Banks of *Newfoundland*, that all the Men belonging to his Ship who sailed out with him, or a Number of Men equal thereto, are returned to *Great Britain*, unless any of his Crew shall have died at *Newfoundland*, or in the said Voyage, either on the Passage out or Return Home, or have deserted without his Knowledge or Consent, or have been shipped in or on board *British* Vessels bound for foreign Markets; which facts shall also be verified on Oath by every such Master, before the said Officers or Officer of the Customs, who are respectively hereby authorised and required to administer the same.

"V. And whereas, by the said recited Act, made in the fifteenth Year of the Reign of his present Majesty, it is enacted, That no Hirer or Employer shall pay or advance to any Seaman or Fisherman, or either of them, during the Time he shall be in his Service, more than Half the Wages which shall at any Time be due to him: And whereas in the Case of green Men, the Advance of one Half of the Wages may not always be sufficient to fit them out and clothe them for the Season;" be it therefore enacted by the Authority afore-

said, that it shall and may be lawful for the Hirer or Employer of any such green Men engaged in the said Fishery, to advance to any such green Man, during the Time he shall be in his Service, a Sum not exceeding five Pounds ten Shillings, although the same shall amount to more than one Half of the Wages which shall be due to him, provided a Sum equal to the then current Price of a Man's Passage Home, not exceeding forty Shillings for each man, be reserved to bear the Charge of his Return Home, as directed by the said before recited Act of the fifteenth Year of his present Majesty's Reign.

"VI. And whereas in and by the said recited Act, made in the Fifteenth Year of his present Majesty's Reign, it is directed, That in case any Seaman or Fisherman shall at that Time wilfully absent himself from his Duty or employ, without the Leave and Consent of his Hirer or Employer, or the Agent of such Hirer or Employer, or shall wilfully neglect or refuse to work, according to the true Intent and Meaning of his Contract or Agreement, he shall, for every Day he shall so absent himself, or neglect or refuse to work, forfeit two Days Pay to such Owner or Employer: And whereas the said Penalties have been found insufficient;" be it therefore enacted, That, where any such Seaman or Fisherman shall so wilfully absent himself from his Duty or Employ, without the Leave or Consent of his Hirer or Employer, or shall wilfully neglect or refuse to work, for the Space of one Day, he shall, for every Day he shall so absent himself, or wilfully neglect or refuse to work, forfeit any Number of Days Pay not exceeding five, as the said Governor of *Newfoundland*, or his Surrogate, may think just and reasonable; and such forfeiture shall be paid to the Hirer or Employer of such Seaman or Fisherman, in Recompense for the Loss or Damage which he may have sustained by means of, or through such Absence, Neglect of Duty, or Refusal to work.

VII. And be it further enacted by the Authority aforesaid, That, before any Oil or Blubber, imported from *Newfoundland* into *Great Britain*, shall be admitted to Entry Duty-free, the Master, or other Person having or taking the Charge or Command of the Ship or Vessel importing the same, shall make Oath before the Collector or other Chief Officer of the Customs at the Port in *Great Britain* into which the said Oil or Blubber is imported (who is hereby authorised and required to administer such Oath), that the same, and every Part thereof, is really and *bona fide* the Oil or Blubber of Fish or Creatures living in the Sea, actually caught and taken on the Banks and Shores of the Island of *Newfoundland*, and parts adjacent, wholly by his Majesty's Subjects carrying on the said Fishery from his Majesty's European Dominions, and usually residing in the said Dominions; any Law, Custom, or Usage to the contrary notwithstanding.

VIII. And be it further enacted by the Authority aforesaid, That, before any Seal Skins, imported from *Newfoundland* into *Great Britain*, shall be admitted to Entry Duty-free, the Master, or other Person having or taking the Charge or Command of the Ship or Vessel importing the same, shall make Oath before the Collector, or other Chief Officer of the Customs at the Port in *Great Britain* into which such Seal Skins are imported (who is hereby authorised and required to administer such Oath), that the same are really and *bona*

fide the Skins of Seals actually caught and taken on the Banks and Shores of the said Island of *Newfoundland*, and Parts adjacent, wholly by his Majesty's subjects carrying on the said Fishery from his Majesty's *European* Dominions, and usually residing in the said Dominions; any Law, Custom, or Usage to the contrary notwithstanding.

IX. And be it further enacted by the Authority aforesaid, That in case any Oil, Blubber, or Seal Skins, shall be purchased in the said Island of *Newfoundland*, or the Parts adjacent, and imported into *Great Britain* from thence, the same shall and may be admitted to Entry Duty-free, provided the Master, or other Person having or taking the Charge or Command of the Ship or Vessel importing the same, shall make Oath of all and every the Particulars respecting the Purchase thereof, before the Collector or other Chief Officer of the Customs at the Port in *Great Britain* into which such Oil, Blubber, or Seal Skins, are imported (who is hereby authorised and required to administer such Oath); and shall produce and deliver to such Collector, or other Chief Officer, a Certificate, under the Hand and Seal of the Naval Officer of the District in *Newfoundland* where such Oil, Blubber, or Seal Skins, were purchased; or if there shall not be any Naval Officer at such place, then under the Hand and Seal of the Commander of any of his Majesty's Ships stationed there, testifying that Oath had been made before him (who is hereby authorised and required, in such Case, to administer the same), by the Person or Persons who actually caught the Fish from which the Oil, Blubber, or the Seals from which the Skins mentioned in such Certificate was produced or came, that such Oil or Blubber was really and *bona fide* the Oil or Blubber of Fish or Creatures living in the Sea, or that such Skins were really and *bona fide* the Skins of Seals, actually caught and taken on the Banks and Shores of the Island of *Newfoundland*, and Parts adjacent, wholly by His Majesty's subjects carrying on the said Fishery from his Majesty's *European*

558 Dominions, and usually residing in the said Dominions; and provided such Master, or other Person having or taking the Charge or Command of the Ship or Vessel so importing such Oil, Blubber, and Seal Skins, shall also make Oath, before such Collector or other Chief Officer (who is hereby authorised and required to administer the same), that the Oil, Blubber, or Seal Skins so imported, are the same Oil, Blubber, and Seal Skins, mentioned and referred to in the said Certificate.

X. And it be further enacted by the Authority aforesaid, That, upon the Importation of any foreign Salt into this Kingdom from any Place from whence, and in the Manner in which such Salt may be legally imported, the Importer or Proprietor of such Salt shall be at Liberty to give Bond to his Majesty, his Heirs and Successors, for the Payment of the Duty commonly called *The Old Subsidy*, and all further Subsidies, Imposts, and Duties, due and payable to and for the Customs upon such Salt, within the Space of twelve Calendar Months from the Date of such Bond, but without any Discount or Allowance for prompt Payment of the said Duties, or either of them; which Bond the Collector and Comptroller of his Majesty's Customs at the Port of Importation are hereby authorised to take in his Majesty's Name, and thereupon to permit such Salt to be entered and landed in the usual Manner; and if such Salt shall be ex-

ported again within the said Space of twelve Calendar Months, the Bonds which shall have been given for the said Duties thereon, shall be cancelled and discharged; and in case the full Duties payable to the Customs for such Salt shall have been paid at or before the Expiration of the said twelve Calendar Months, and such Salt shall be afterwards exported into Foreign Parts within the Time allowed by Law, a Drawback of all the said Duties which were so paid shall be allowed in the same Manner as the former Drawback of the Customs upon the Exportation of Salt, was, could, or might be paid; and such Salt shall be subject and liable to the same Rules, Regulations, Restrictions, Securities, Penalties, and Forfeitures (except where any Alteration is made by this Act), as such Salt was subject and liable to by any Act or Acts of Parliament in force before the making of this Act.

XI. And be it further enacted by the authority aforesaid, That it shall not be lawful to or for any person or persons concerned or employed in carrying on the said fishery, or for any seaman or fisherman hired for the purpose of carrying on the said fishery, to use, or cause to be made use of, on the shores of the said Island of *Newfoundland*, any seine or net of any kind or description whatsoever, for the purpose of catching cod fish by hauling such seine or net on shore, or tucking such seine or net into any boat or boats, the scale or mesh of which said seine or net shall be less in dimension than four inches, under the penalty of forfeiting the sum of one hundred pounds for every such offence; which offence may be heard and determined, and the penalty hereby incurred shall and may be recovered in the Court of Session of the said island, provided that such offence be complained of within the space of three calendar months after the commission of the same.

“XII. And whereas it is essential to the naval strength of *Great Britain*, that the desertion of seamen and fishermen employed in the fishery of *Newfoundland*, and the parts adjacent, should be prevented: And whereas, by reason of their superior skill as seamen and fishermen, and as artificers of the implements and utensils necessary to the carrying on of such fisheries, they are, by great temptations, exposed to be seduced into the service and employ of the subjects of foreign States: And whereas the regulations and provisions made in and by an Act, passed in the fifteenth year of His present Majesty’s reign, herein before mentioned, are not sufficient to prevent the desertion of such seamen and fishermen to the service of the subjects of foreign States;” be it therefore enacted by the authority aforesaid, That if any seaman or fisherman, hired or employed in the carrying on of the said fishery, shall desert from the said Island of *Newfoundland*, or from the said fishery, with intent to enter into the service of any foreign State, or of the subjects of any foreign State, or shall have in any wise agreed so to absent himself, or desert with such intent, or shall have actually entered into such service as aforesaid, it shall and may be lawful to and for the governor of *Newfoundland*, or his surrogates, or for the judge of the Vice Admiralty Court for the time being, or for any justice of the peace in *Newfoundland* respectively, to issue his or their warrant or warrants to apprehend such person so deserting, or having agreed to desert as aforesaid, and on the oath or oaths of one or more credible witness or witnesses, to commit him to prison, there to remain until the next court of session

which shall be holden in pursuance of the commission of the governor for the time being; and if found guilty of the said offence at such session, that it shall and may be lawful to and for the said court of session to order such deserter as aforesaid to be detained in prison, without bail or mainprize, for any time not exceeding three months. in case he shall have come from His Majesty's *European* dominions for the purpose of carrying on the fisheries aforesaid.

XIII. Provided always, and be it enacted by the Authority aforesaid, That it shall and may be lawful for such Governor, within the Space of Three Months, if he shall see fit, or as soon after as conveniently may be, to cause every such Person so having deserted, or agreed to desert, to be put on board a Passage Ship or Vessel, in order to his being conveyed back to the Country to which he belonged, and for which the Master, or other Person having or taking the Charge or Command of such Ship or Vessel, shall be paid in manner herein after mentioned; and every Master, or other Person having or taking the Charge or Command of such Passage Ship or Vessel, shall be, and is hereby required to take on board such and so many of such Persons as the said Governor shall direct, not exceeding four for each one hundred Tons of the Tonnage of such Ship or Vessel, and so in proportion for every such Ship or Vessel under one hundred Tons: Provided nevertheless, That no Person shall be so put aboard of any Ship or Vessel which shall not be of the Burthen of forty Tons: But if any Person or Persons convicting of deserting, or agreeing to desert, as aforesaid, shall not have come from His Majesty's *European* Dominions for the purpose of carrying on the Fisheries aforesaid, then, and in such Case, that it shall 559 and may be lawful for the said Court of Session to commit such Person or Persons to Prison, there to remain without Bail or Mainprize, for any time not exceeding twelve Calendar Months.

"XIV. And whereas it is of great importance to the trade, manufacture, and navigation of *Great Britain*, and of His Majesty's dominions in *Europe*, that all trade and mercantile intercourse between His Majesty's subjects, residing or carrying on fishery in the Island of *Newfoundland* with the subjects of any foreign State, should be prohibited: and whereas it is essentially necessary to the preservation of the benefits arising from the fishery aforesaid, to prevent the sale of any ships, vessels, or boats, or of the tackle, apparel, or furniture of the same, and of all and all manner of utensils and implements, which are or may be used in catching and curing fish, and also of all articles and commodities of the growth, produce, and manufacture of the said Island of *Newfoundland*, to the subjects of any foreign State, or to any other than the subjects of His Majesty, his heirs and successors, and also to prohibit the purchase of any goods or commodities whatsoever, from the subjects of any foreign State;" be it therefore enacted by the authority aforesaid, That it shall not be lawful for any person or persons, residing in, or carrying on fishery in the said Island of *Newfoundland*, or on the banks thereof, there to sell, barter, or exchange any ship, vessel, or boat, of what kind or description soever, or any tackle, apparel, or furniture, used, or which may be used by any ship, vessel, or boat; or any seines, nets, or other implements or utensils, used, or which may be used, in catching or curing fish, or any kind of bait whatsoever, used, or which may be

used, in the catching of fish; or any kind of fish, oil, blubber, seal skins, peltry, fuel, wood, or timber, to or with any person or persons whatsoever, other than the subjects of His Majesty, his heirs and successors.

XV. And be it further enacted by the authority aforesaid, that if any person or persons, residing or carrying on fishery in the said Island of *Newfoundland*, shall there sell, barter, or exchange, or cause to be sold, bartered, or exchanged, or shall endeavour to sell, barter, or exchange, or shall be aiding or assisting in selling, bartering, or exchanging, or causing to be sold, bartered, or exchanged, any such ship, vessel, boat, or any tackle, apparel, or furniture, used, or which may be used, for the purpose of navigating any ship, vessel, or boat; or any seines, nets, or other implements or utensils, used, or which may be used, in catching or curing fish; or any kind of bait whatsoever, used, or which may be used, in catching fish; or any fish, oil, blubber, seal skins, fuel, wood, or timber, to any person or persons, being the subjects of any foreign State, it shall and may be lawful to and for the Governor of *Newfoundland*, or his surrogates, or for any justice of the peace in *Newfoundland*, to issue his or their warrant or warrants to apprehend every such offender, and, on the oath of one or more credible witness or witnesses, to commit him to prison, there to remain until the next court of session which shall be holden in pursuance of the commission of the said governor for the time being; and all and every such person or persons, if found guilty of the said offence at such session, shall forfeit and pay treble the value of the articles so sold, or caused to be sold, or attempted to be sold, as aforesaid, or bartered or taken in exchange, or in the selling, bartering, or exchanging of which, or causing to be sold, bartered, or exchanged, such person or persons was or were aiding or assisting, and the same shall be levied of the offender's goods and chattels, by warrant to be granted by the said court of session for that purpose; and in case no goods upon which such distress can be made shall be found, then it shall and may be lawful for the said court to order such person or persons to be punished and dealt with in the same manner as is herein before directed with respect to deserters, or persons agreeing to desert.

XVI. And whereas it is highly injurious to the trade and manufactures of His Majesty's dominions in *Europe*, that persons residing or carrying on fishery in the Island of *Newfoundland*, or parts adjacent, or on the banks of the said Island of *Newfoundland*, should be supplied with any goods or commodities whatsoever by the subjects of any foreign State;" be it therefore enacted by the authority aforesaid, that no person or persons, residing or carrying on fishery in the Island of *Newfoundland*, or parts adjacent, or on the banks of the said Island of *Newfoundland*, shall there purchase, or take in exchange, or by way of barter, or cause to be purchased or taken in exchange, or by way of barter, or be aiding or assisting in the purchasing, bartering for, or taking in exchange, any goods or commodities whatsoever, from any person or persons being a subject or subjects of any foreign State; and that every person or persons residing or carrying on fishery in the said Island of *Newfoundland*, or parts adjacent, or on the banks of the said Island of *Newfoundland*, who shall there purchase, barter for, or take in exchange, or shall cause to be purchased, bartered for, or taken in exchange, any

such goods or commodities in manner aforesaid, shall be apprehended and committed to prison, and, on due conviction before the court of session, shall forfeit treble the value of such goods or commodities so purchased, or taken in barter or exchange, or procured to be purchased, or taken in barter or exchange, or in the purchase, barter, or taking of which in exchange, such person shall have been aiding or assisting, and the same shall be levied of the offender's goods and chattels, by warrant to be granted by the said court of session for that purpose; and in case no goods upon which such distress can be made shall be found, then it shall and may be lawful for the said court to order such person or persons to be punished and dealt with in the same manner as is herein before directed with respect to deserters or persons agreeing to desert.

XVII. Provided always, That nothing herein contained shall extend, or be construed to extend, to hinder or prevent Bread, Flour, Indian Corn, and live Stock, from being imported into the said Island of Newfoundland in certain British Vessels, in pursuance of an Act passed in the present Session of Parliament.

XVIII. And be it further enacted by the authority aforesaid, That the Sum for which the said Governor shall agree with the Master, or other Person having or taking the Charge or Command of any Ship or Vessel, for the passage of any person or persons from the said island, to the place or places to which he or they before longed, shall in no Case exceed the Sum of forty Shillings

for each person, and shall be paid to the Master of such Ship or Vessel out of the Monies which shall arise from Forfeitures incurred for any offence committed against this Act, or the Acts herein before recited, upon such Master producing to the said Court of Session, a Certificate, under the Hand and Seal of such Governor, of the Numbers and Names of the Persons respectively taken on board by his direction, and of the Times they were taken on board respectively, and the several sums agreed to be paid as aforesaid; which Sums the Court of Session are hereby required to cause to be paid to such Master, if sufficient funds for that purpose shall remain in the Hands of the said Court.

XIX. And be it also enacted by the authority aforesaid, That if no sufficient fund for the payment of any Sum or Sums, so agreed upon as aforesaid, shall remain in the Hands of the said Court of Session, then and in such case every such Master, or other Person having or taking the Charge or Command of such Ship or Vessel, who shall have taken on board any Number of Persons by order of the Governor, in Manner herein before directed, upon producing a Certificate, under the Hand and Seal of the said Governor, in manner herein before directed, and making an Affidavit at his return, setting forth the Time during which he subsisted such Person or Persons, and that he did not, during that Time, want any of his own Complement of Men, or how many he did want of such Complement, and for what Time, shall receive from the Commissioners of the Navy for the Time being (who are hereby required to cause the same to be paid) six Pence *per Diem* for the passage and Provisions of such Person or Persons from the Day of their embarkation home-wards to the Day of their Arrival in Great Britain, the said sum of six Pence *per Diem* only being deducted for such Time and so many Persons as he wanted of his Complement during his voyage.

XX. "And whereas it is enacted, in and by an Act passed in the fourth year of His present Majesty's reign, intituled, *An Act for granting certain Duties in the British Colonies and Plantations in America; for continuing, amending, and making perpetual, an Act passed in the sixth year of the reign of His late Majesty King GEORGE the Second, intituled, 'An Act for the better Securing and Encouraging the Trade of His Majesty's Sugar Colonies in America'*; for applying the produce of such duties, and of the duties to arise by virtue of the said Act, towards defraying the expenses of defending, protecting, and securing the said colonies and plantations; for explaining an Act made in the twenty-fifth year of the reign of King CHARLES the Second, intituled, *'An Act for the Encouragement of the Greenland and Eastland Trades, and for the better Securing the Plantation Trade'*; and for altering and disallowing several drawbacks on exports from this Kingdom, and more effectually preventing the clandestine conveyance of goods to and from the said colonies and plantations, and improving and securing the trade between the same and Great Britain; that if any British ship or vessel shall be found standing into, or coming out from, either of the islands of *Saint Pierre* and *Miquelon*, or hovering or at anchor within two leagues of the coast thereof, or shall be discovered to have taken any goods or merchandises on board at either of them, or to have been there for that purpose, such ship or vessel, and all the goods so taken on board there, shall be forfeited and lost, and shall and may be seized and prosecuted by any officer of His Majesty's customs; and the master, or other person having the charge of such ship or vessel, and every person concerned in taking such goods on board, shall forfeit treble the value thereof: And whereas the provisions of the said recited Act may not be sufficient to effectuate the good purposes thereby intended, or to prevent the export or sale of ships, vessels, and boats, and of all other the goods and commodities herein before enumerated and prohibited to be sold to the subjects of any foreign State, or the purchase and import of the goods and commodities of such foreign States;" be it therefore enacted by the authority aforesaid, that it shall and may be lawful for all and every officer or officers, having the command of any of His Majesty's ships stationed at the Island of *Newfoundland*, to stop and detain all and every ship, vessel, or boat, of what nature or description soever, coming to, or going from the said island, and belonging to, or in the service or occupation of any of His Majesty's subjects residing in, trafficking with, or carrying on fishery in the Island of *Newfoundland*, parts adjacent, or on the banks of the said Island of *Newfoundland*, which he shall have reason to suspect to be going to, or coming from, the islands of *Saint Pierre* or *Miquelon*, for the purposes before mentioned, in any place within the limits of their station, and to detain, search, and examine, such ship, vessel, or boat; and that if, upon such search or examination, it shall appear to such officer or officers that there is reasonable ground to believe that such ship, vessel, or boat, or any tackle, apparel, or furniture, used, or which may be used, by any ship, vessel, or boat, or any implements or utensils used, or which may be used in the catching or curing of fish, or any fish, oil, blubber, seal skins, fuel, wood, or timber, then on board of such ship, vessel, or boat, was or were intended to be sold, bartered for, or exchanged, to the subjects of any foreign State, or shall be discovered to have been so

sold, bartered for, or exchanged; or if any goods or commodities whatsoever shall be found on board such ship, vessel, or boat, or shall be discovered to have been on board, having been purchased or taken in barter or exchange from the subjects of any foreign State; then, and in every such case, to seize and send back such ship, vessel, or boat, to the Island of *Newfoundland*; and that such ship, vessel, or boat, and such goods and commodities so found on board, shall, upon due condemnation, be forfeited and lost, and shall and may be prosecuted for that purpose, by the officer or officers so seizing the same, in the Vice Admiralty Court of the said island of *Newfoundland*; such forfeiture to be given, one moiety to the said officer or officers, and the other moiety to the Governor of *Newfoundland* for the time being, to be applied, under the direction of such governor, in defraying the passages home of such person or persons as by this or any former Act are directed to be sent back to the country to which they belong.

XXI. And be it further enacted by the authority aforesaid, that in case any libel, information, or other suit or proceeding whatsoever, shall be commenced and brought to trial, in the Court of Vice Admiralty in the said Island of *Newfoundland*, on account of the 561 seizure of any ship, vessel, boat, or goods, for the condemnation of the same, for any of the causes herein before mentioned, wherein a decree shall be pronounced for or in favour of the defendant or defendants, claimer or claimers thereof, and it shall appear to the judge or court, before whom the same shall be tried, that there was a probable cause for seizing the said ship, vessel, boat, or goods, the judge before whom the said cause shall be tried shall certify on the record that there was a probable cause for the seizing of the said ship, vessel, boat, or goods; a copy of which certificate shall be delivered to the prosecutor, under the hands and seals of such judge or judges; and that, in such case, the defendant shall not be entitled to any costs of suit whatsoever, nor shall the person or persons who seized such ship, vessel, boat, or goods, be liable to any action, indictment, or other prosecution, on account of such seizure; and that if any action, indictment, or prosecution, shall be brought or preferred against any person or persons, who shall have obtained such copy of such certificate as aforesaid, in any of His Majesty's courts in *Great Britain*, such copy shall be admitted in evidence on behalf of the defendant or defendants, and shall have the like force and effect as the certificate on record would have had in the case of such action, indictment, or other prosecution, being brought or preferred in the Island of *Newfoundland*.

XXII. And be it also enacted by the authority aforesaid, that if any action, indictment, or other prosecution, shall be commenced and brought to trial against any person or persons whatsoever, on account of the seizure of any such ship, vessel, boat, or goods, wherein a verdict shall be given against the defendant or defendants, if the court or judge before whom such action or prosecution shall be tried shall certify on the record that there was a probable cause of such seizure, that the plaintiff, besides his ship, vessel, boat, or goods, so seized, or the value thereof, shall not be entitled to above two Pence damages, nor to any costs of suit, nor shall the defendant in such prosecution be fined above one Shilling.

XXIII. And it is hereby further enacted by the authority aforesaid, that if any person or persons shall, at any time or times, be sued or prosecuted for any thing by him or them done or executed in pursuance of, or by colour of this Act, or of any matter or thing in this Act contained, such action or prosecution shall be commenced within the space of three months after the offence shall have been committed; and in case the person or persons making such seizure as aforesaid shall have quitted the said Island of Newfoundland before the expiration of three months from the time of the offence committed, then that such action or prosecution shall be commenced within three months after his or their return to *Great Britain*; and such person or persons shall and may plead the general issue, and give this Act and the special matter in evidence for his and their defence, and that the same was done in prosecution and by authority of the said Act: And if it shall appear so to have been done, then the court shall adjudge and decree, or the jury shall find, in the courts of *Great Britain* or *Newfoundland* respectively, for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action, libel, or other proceedings in the courts of *Great Britain* or *Newfoundland*, after the defendant or defendants hath or have appeared, or if judgment shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall recover treble costs, and have the like remedy for the same as the defendant or defendants hath or have in other cases by law.

XXIV. And be it further enacted by the authority aforesaid, that all and every the fines or penalties inflicted by this Act, or by the Acts herein before recited, and to be levied upon the seamen or fishermen, except those for neglect of duty; and that such ships, vessels, or goods, as shall be seized, condemned, and forfeited as before mentioned, except such the distribution whereof is otherwise directed by this Act, shall be given, one moiety to the informer, and the other moiety to the Governor of *Newfoundland* for the time being, to be applied, under the direction of such governor, in defraying the passages home of such person or persons as by this or any former Act are directed to be sent back to the country to which they belong.

XXV. And be it further enacted by the authority aforesaid, That so much of the said recited Act of the fifteen year of the Reign of his Present Majesty, as gives any Jurisdiction to the Court of Vice Admiralty for the said island of *Newfoundland* with respect to enquiring into and determining disputes concerning the Wages of any Seamen or Fishermen, or any Offence committed by any Hirer or Employer of such Seamen or Fishermen, or any Controversies or Differences arising from their Contracts or Agreements, shall be, and the same is hereby repealed.

XXVI. And be it further enacted by the authority aforesaid, That all and every the Clauses, Matters, and things in the said herein-before recited Acts contained, which are not altered or repealed by this present Act, shall continue and remain in full force.

No. 24.—1788: *British Statute, 28 Geo. III, Cap. 35.*

An Act to enable His Majesty to make such Regulations as may be necessary to prevent the inconvenience which might arise from the competition of His Majesty's subjects and those of the Most Christian King, in carrying on the Fishery on the Coasts of the Island of Newfoundland.

"Whereas, by the thirteenth article of the treaty concluded at *Utrecht* on the fourth day of *April*, new style, in the year of our Lord one thousand seven hundred and thirteen, between Her late Majesty Queen *Anne* and the Most Christian King *Louis* the 562 Fourteenth, it was, among other things, agreed, that the island called *Newfoundland*, with the adjacent islands, should, from that time forward, belong to right wholly to *Britain*; and to that end the town and fortress of *Placentia*, and whatever other places in the said island were in the possession of the *French*, should be yielded and given up, within seven months from the exchange of the ratification of that treaty, or sooner if possible, by the Most Christian King, to those who had a commission from the Queen of *Great Britain* for that purpose; nor should the Most Christian King, his heirs or successors, or any of their subjects, at any time thereafter, lay claim to any right to the said island and islands, or to any part of them; moreover, it should not be lawful for the subjects of *France* to fortify any place in the said Island of *Newfoundland*, or to erect any buildings there, besides stages made of boards, and huts necessary and useful for drying of fish, or to resort to the said island beyond the time necessary for fishing and drying fish: that it should be allowed to the subjects of *France* to catch fish, and to dry them on land, on that part only, and in none other besides that part of the Island of *Newfoundland*, which stretches from the place called *Cape Bonavista*, to the northern point of the said island, and from thence running down by the western side, and reaches as far as the place called *Cape Riche*: And whereas, by the fifth article of the treaty of peace, concluded at *Paris* on the tenth day of *February* one thousand seven hundred and sixty-three, between His Majesty and the late Most Christian King *Louis* the Fifteenth, and His Most Catholic Majesty, it was, among other things, agreed, that the subjects of *France* should have the liberty of fishing and drying on a part of the coast of the Island of *Newfoundland*, such as is specified in the thirteenth article of the treaty of *Utrecht*, which article is confirmed and renewed by the present treaty: And whereas, by the fifth article of the definitive treaty of peace, concluded at *Versailles*, between His Majesty and the Most Christian King, on the third day of *September* one thousand seven hundred and eighty-three, it was, among other things, agreed, that His Majesty, the King of *Great Britain*, should be maintained in his right to the Island of *Newfoundland*, and to the adjacent islands, as the whole were assured to him by the thirteenth article of the treaty of *Utrecht*, excepting the Islands of *Saint Pierre* and *Miquelon*, which were ceded in full right, by the said treaty of the third day of *September* one thousand seven hundred and eighty-three, to His Most Christian Majesty; and that His Majesty, the Most Christian King, in order to prevent the quarrels which had before then arisen between the two nations of *England* and *France*, consented to remove the right of fishing which belonged to him in virtue of the aforesaid article of the treaty of *Utrecht*,

from *Cape Bonavista* to *Cape Saint John*, situated on the eastern coast of *Newfoundland*, in fifty degrees north latitude, and His Majesty the King of *Great Britain* consented, on his part, that the fishery assigned to the subjects of His Most Christian Majesty, beginning at the said *Cape Saint John*, passing to the north, and descending by the western coast of the Island of *Newfoundland*, should extend to the place called *Cape Rage*, situate in forty-seven degrees and fifty minutes latitude: the *French* fishermen should enjoy the fishery which was assigned to them by the said article, as they had the right to enjoy that which was assigned to them by the treaty of *Utrecht*: And whereas, by a declaration delivered by His Majesty's Ambassador Extraordinary to His Most Christian Majesty, bearing date also on the said third day of *September* one thousand seven hundred and eighty-three, His Majesty engaged not only to ensure the execution of the last mentioned treaty with his known good faith and punctuality, but to give all possible efficacy to such principles as may prevent dispute; and, that the fishermen of the two nations may not give cause for daily quarrels, was pleased to engage that he would take the most positive measures for preventing his subjects from interrupting in any manner, by their competition, the fishing of the *French*, during the temporary exercise thereof which is granted to them upon the coasts of the Island of *Newfoundland*, and that he would, for that purpose, cause the permanent settlements which should be formed there to be removed; and that he would give orders that the *French* fishermen should not be incommoded in the cutting of wood necessary for the repair of their scaffolds, huts, and fishing boats; and that the thirteenth article of the treaty of *Utrecht*, and the method of carrying on the fishery which had at all times been acknowledged, should be the plan upon which the fishery should be carried on there, and that it should not be deviated from by either party, the *French* fishermen building only their scaffolds, confining themselves to the repair of their fishing vessels, and not wintering there; the subjects of His *Britannic Majesty*, on their part, not molesting in any manner the *French* fishermen during their fishing, nor injuring their scaffolds during their absence: And whereas it is expedient, in conformity to the definitive treaty of peace and the declaration aforesaid, that His Majesty's subjects should be prevented from interrupting in any manner, by their competition, the aforesaid fishery of the subjects of His Most Christian Majesty, during the temporary exercise thereof which is granted to them on the coast of *Newfoundland*; and that all permanent establishments on that part of the coast allotted to the *French* fishermen should be removed; and that such fishermen should be in no manner molested, contrary to the tenor of the said treaty, and the good faith thereof: in order, therefore, that His Majesty may be the better enabled to carry the said several treaties and declarations into faithful and punctual execution, and to make such regulations as may be expedient, respecting the fishery in the manner herein after mentioned,"

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 it shall and may be lawful for His Majesty, his heirs and successors, by advice of council, from time to time, to

give such orders and instructions to the governor of *Newfoundland*, or to any officer or officers on that station, as he or they shall deem proper and necessary to fulfil the purposes of the definitive treaty and declaration aforesaid; and, if it shall be necessary to that end, to give orders and instructions to the governor, or other officer or officers aforesaid, to remove, or cause to be removed, any stages, flakes, train vatts, or other works whatever, for the purpose of carrying on fishery, erected by His Majesty's subjects on that part of the coast of *Newfoundland* which lies between *Cape Saint John*, passing to the north, and descending by the western coast of the said island to the place called *Cape Rage*, and also all ships, vessels, and boats, belonging to His Majesty's subjects, which shall be found within the limits aforesaid, and also, in case of refusal to depart from within the limits aforesaid, to compel any of His Majesty's subjects to depart from thence; any law, usage, or custom, to the contrary notwithstanding.

II. And be it further enacted by the authority aforesaid, that if any person or persons shall refuse, upon requisition made by the governor, or any officer or officers acting under him, in pursuance of His Majesty's orders or instructions as aforesaid, to depart from within the limits aforesaid, or otherwise to conform to such requisition and directions as such governor, or other officer as aforesaid, shall make or give, for the purposes aforesaid, every such person or persons so refusing, or otherwise offending against the same, shall forfeit the sum of two hundred pounds, to be recovered in the Court of Session, or Court of Vice Admiralty in the said Island of *Newfoundland*, 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 every such suit or prosecution, if the same be commenced in *Newfoundland*, shall be commenced within three months, and if commenced in any of His Majesty's courts of record at *Westminster*, within twelve months from the time of the commission of such offence.

No. 25.—1789: Extract from British Statute, 29 Geo. III, Cap. 53.

An Act for further Encouraging and Regulating the Newfoundland, Greenland, and Southern Whale Fisheries.

"Whereas, as well by immemorial usage as by the provisions of former laws, the right and privilege of drying fish on the Island of *Newfoundland* do not belong to any of His Majesty's subjects arriving there, except from *Great Britain*, or one of His Majesty's dominions in *Europe*; for preventing frauds, and thereby better securing to His Majesty's said subjects of *Great Britain*, and of the other *British* dominions in *Europe*, the full advantages of the fishery carried on from there, and of drying fish on the shores of the Island of *Newfoundland*," be it declared and 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 no fish, taken or caught by any

of His Majesty's subjects, or other persons, arriving at *Newfoundland*, or its dependencies, or on the banks of the said island, except from *Great Britain*, or one of the *British* dominions in *Europe*, shall be permitted to be landed or dried on the said Island of *Newfoundland*, always excepting the rights granted by treaty to the subjects of His Most Christian Majesty on that part of the Island of *Newfoundland* beginning at *Cape Saint John*, passing to the north and descending by the western coast of the said island to the place called *Cape Raye*.

* * * * *

No. 26.—1802, May 7: Extract from British Statute, 42 Geo. III, Cap. 43.

An Act for granting to His Majesty certain duties on Goods imported into and exported from Great Britain and on the Tonnage of Ships and vessels entering Outwards or Inwards in any port of Great Britain to or from Foreign Ports.

[7th May 1802.]

* * * * *

XVII. And be it further enacted, That, from and after the twelfth day of *May* One Thousand eight hundred and two, there shall be raised, levied, collected, and paid, unto and for the Use of His Majesty, his heirs, and successors, the several duties on ships and vessels, according to the tonnage thereof, entering outwards or inwards at any port within *Great Britain*, to or from foreign parts, as the same are respectively inserted, described, and set forth in figures in the table hereunto annexed, marked D., except as in this Act is provided.

XVIII. Provided always, and be it enacted, That nothing in this Act shall extend, or be construed to extend, to charge with the duty of tonnage by this Act imposed, any ship or vessel employed in the fisheries on the coast of *Great Britain*, and not entering outwards for foreign parts.

XIX. And be it further enacted, That the several duties of tonnage hereby imposed on ships and vessels entering outwards or inwards, to or from foreign parts, shall be paid to the proper officer appointed to receive the same, each and every voyage any such ship or vessel shall so enter outwards or inwards at any port with *Great Britain*; and that the tonnage of every such ship or vessel being

564 *British* built, or *British* owned, shall be computed and taken according to the register thereof, under the provisions of an Act passed in the twenty-sixth year of his present Majesty's reign, intituled, *An Act for the further increase and Encouragement of Shipping and navigation*; and that the tonnage of every other ship or vessel, in case of any doubt or dispute relative thereto, shall be ascertained by Admeasurement, in the mode and manner prescribed and directed by the said Act.

XX. And be it further enacted, That no ship or vessel upon which the tonnage duty by this Act imposed is due and payable, shall be permitted to be cleared inwards in any port of *Great Britain*, unless

the said tonnage duty shall have been the first duly paid to the proper officer of the Customs appointed to receive the same; and in case such duty shall not be paid within thirty days from the report of any ship or vessel arriving from foreign parts, it shall and may be lawful for the Commissioners of His Majesty's Customs in *England* for the time being, or any four or more of them, or for the Commissioners of His Majesty's Customs in *Scotland* for the time being, or any three or more of them, if they shall think fit, to cause such ship or vessel, and her masts, tackle, apparel, and furniture to be detained, and afterwards sold publicly to the best bidder, and the produce thereof to be applied first to the Charges that shall arise by such detention and sale, next to the tonnage duty imposed by this Act, and the overplus to be paid to the Proprietors of such ship or vessel, or other person duly authorised by such Proprietor to receive the same; and that it shall not be lawful for the collector or other officer of the Customs at any port in *Great Britain*, to permit any ship or vessel to be entered outwards for foreign parts, or any Cacquet or entry to pass for any goods, wares, or merchandise to be shipped on board any such ship or vessel, unless the tonnage duty hereby imposed on such ship or vessel shall have been first duly paid.

XXI. Provided always, That nothing in this Act shall extend, or be construed to extend, to charge the tonnage duty hereby imposed on any *British* built ship or vessel, or any ship or vessel owned by British subjects, which is not required to be registered by any Act or Acts of Parliament in force on or immediately before the passing of this Act, or on any ship or vessel whatever, which shall enter outwards or inwards in ballast only.

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Tables to which this Act refers.

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TABLE D.—A table of tonnage duties payable on ships and vessels entering outwards or inwards (except in Ballast), in any Port of Great Britain, to or from Foreign parts.

TONNAGE DUTY.	Duty. £ s. d.
For every ton burthen of every ship or vessel entering outwards or inwards (except in ballast), to or from the Islands of <i>Guernsey</i> , <i>Jersey</i> , <i>Sark</i> , <i>Alderney</i> , and <i>Man</i> , the <i>Greenland Seas</i> , and the <i>Southern Whale Fishery</i> .	0 0 6
For every ton burthen of every ship or vessel entering outwards or inwards (except in ballast), to or from any port or place within the <i>Straits of Gibraltar</i> .	0 1 0
For every ton burthen of every ship or vessel entering outwards or inwards (except in ballast), to or from any Port or place in <i>Russia</i> , or within the <i>Baltic Sea</i> .	0 1 0
For every ton burthen of every ship or vessel entering outwards or inwards (except in ballast), to or from any other Port or place in <i>Europe</i> .	0 1 0
For every ton burthen of every ship or vessel entering outwards or inwards (except in ballast), to or from any Port or place within the limits of the Charters granted to the United Company of Merchants of <i>England</i> trading to the <i>East Indies</i> .	0 3 0
For every ton burthen of every ship or vessel entering outwards or inwards (except in ballast), to or from the <i>Cape of Good Hope</i> .	0 2 6
For every ton burthen of every ship or vessel entering outwards or inwards (except in Ballast), to or from any port or place in <i>Africa</i> , not otherwise enumerated or described.	0 1 0

For every ton burthen of every ship or vessel entering outwards or inwards (except in ballast), to or from the Island of Newfoundland, the Islands of *Cape Breton* and *St. John*, and the Coast of *Labrador*— 0 0 6
 For every ton burthen of every ship or vessel entering outwards or inwards (except in ballast), to or from any Port or place in the United States of *America*, any *British Island*, Colony, or Plantation in *America*, or any other part of *America* not otherwise described— 0 1 0

In all cases in which any Goods, Wares, or Merchandise, are charged in any or either of the Schedules, according to the Weight, Tale, Gauge, or Measure, the duties granted by this Act shall be estimated and charged in proportion upon any greater or less quantity than that specified.

565 No. 27.—1819, June 14: *British Statute, 59 Geo. III, Cap. 38.*

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 20th 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 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 hereinbefore recited; any Act or Acts of Parliament, or any law, custom or usage to the contrary in anywise notwithstanding.

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 hereinbefore 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 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.

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 domains 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

566 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.

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.

No. 28.—1819, June 19: Order in Council.

At the Court at Carlton House, the 19th June, 1819.

Present: His Royal Highness the Prince Regent in Council.

Whereas an Act was passed in the present session of Parliament, entitled "An Act to enable His Majesty to make regulations with respect to the taking and curing fish in 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," wherein it is enacted, that "whereas a convention between His Majesty and the United States of America was made and signed at London on the 20th day of October, 1818, and by the first article of the said convention 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 coast 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, 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 portions 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:" "it shall and may be lawful, from and after the passing of the said Act, 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 the British subjects, within the limits set forth in the said article of the said convention, any Act or Acts of Parliament, or any law, custom, or usage to the contrary in anywise notwithstanding." It is ordered by His Royal Highness the Prince Regent, in the name and on the behalf of His Majesty, and by and with the advice of His Majesty's Privy Council, in pursuance of the powers vested in His Majesty by the said Act, that the governor of Newfoundland do give notice to all His Majesty's subjects being in or resorting to the said ports, that they are not to interrupt in any manner the aforesaid fishery so as aforesaid allowed to be carried on by the inhabitants of the said United States in common with His Majesty's subjects on the

567 said coasts, within the limits assigned to them by the said treaty: and that the governor of Newfoundland do conform himself to the said treaty, and to such instructions as he shall from time to time receive thereon in conformity to the said treaty, and to the above-recited Act, from one of His Majesty's Principal Secretaries of State, anything in His Majesty's commission under the Great Seal, constituting him governor and commander-in-chief in and over the said Island of Newfoundland in America, and of the islands and territories thereunto belonging, or in His Majesty's general instructions to the said governor, to the contrary notwithstanding; and His Royal Highness, in the name and on the behalf of His Majesty, doth hereby annul and make void each and every of the said general instructions which are or shall be deemed contrary to the intent and meaning of the said convention and of the said Act. And the Right Honourable Earl Bathurst, one of His Majesty's Principal Secretaries of State, is to take the necessary measures therein accordingly.

(Signed) JAS. BULLER.

No. 29.—1824, June 3: British Statute, 5 Geo. IV, Cap. 51.

An Act to repeal several Laws relating to the Fisheries carried on upon the Banks and Shores of Newfoundland, and to make Provision for the better Conduct of the said Fisheries for Five Years, and from thence to the End of the then next Session of Parliament.

[3d June 1824.]

Whereas it is expedient to repeal and amend divers Statutes and Laws relating to the Fisheries on the Banks and Shores of *Newfoundland*, and to make such further Provisions as the present State and Condition of the Colony require;” 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 Act passed in the Tenth and Eleventh Year of the Reign of His Majesty King William the Third, intituled *An Act to encourage the Trade to Newfoundland*; and so much of another Act passed in the Fifteenth Year of the Reign of His late Majesty King George the Third, intituled *An Act for the Encouragement of the Fisheries carried on from Great Britain, Ireland and the British Dominions in Europe, and for securing the Return of the Fishermen, sailors and others employed in the said Fisheries, to the Ports thereof, at the end of the Fishing Season*, as relates to the Masters and Crews of Fishing Ships occupying or using any vacant Spaces in *Newfoundland*, to the Privilege of drying Fish on the Shores, to Fishing Ships or Boats not being liable to Restraint or Regulations with respect to Days or Hours of working, or making Entry at the Custom House, to the carrying or conveying of Passengers to the Continent of *America*, to Agreements or Contracts between Hirers or Employers and Seamen or Fishermen, to the Penalties on such Hirers or Employers advancing wages, and on such Seamen or Fishermen absenting themselves from their Duty, or neglecting or refusing to work, and the Manner of determining Disputes and Offences; and also so much of another Act passed in the Twenty sixth Year of the Reign of His said Majesty King George the Third, intituled *An Act to amend and render more effectual the several Laws now in Force for encouraging the Fisheries carried on at Newfoundland and Parts adjacent, from Great Britain, Ireland and the British Dominions in Europe, and for granting Bounties for a Limited Time, on certain Terms and Conditions*, as relates to the Wages of Green Men, the using of Seines or Nets, Seamen or Fishermen absenting themselves or neglecting their Duty, or deserting or intending to desert; and also so much of another Act passed in the Twenty ninth Year of the Reign of His said Majesty George the Third, intituled *An Act for further encouraging and regulating the Newfoundland and Greenland and Southern Whale Fisheries*, as relates to the Privilege of landing and drying Fish in *Newfoundland*, shall be and the same are hereby repealed:

II. And be it further enacted, That no Alien or Stranger whatsoever shall at any Time hereafter take Bait, or use any sort of Fishing whatsoever in *Newfoundland*, or the Coasts, Bays or Rivers thereof, or on the Coast of *Labrador*, or in any of the Islands or Places within or dependent upon the Government of the said Colony; always excepting the Rights and Privileges granted by Treaty to the

Subjects or Citizens of any Foreign State or Power in Amity with His Majesty.

III. And Whereas it is expedient to obviate any Doubts which have arisen or may arise, as to what persons are entitled to the Right or Privilege of taking, curing and drying Fish on the Shores and Banks of *Newfoundland*;" Be it therefore enacted, That it shall and may be lawful for all His Majesty's Subjects residing in the United Kingdom of *Great Britain* and *Ireland*, or in any of His Majesty's Colonies, Plantations or Dominions, to have, use and enjoy the free Trade and Traffic and Art of Merchandize and Fishery to and from *Newfoundland* and the Coast of *Labrador* aforesaid, and all and every the Islands or Places within or dependent upon the Government of *Newfoundland*, and peaceably to have, use and enjoy the Freedom of fishing and taking Bait in any of the Seas, Rivers, Lakes, Creeks, Harbours or Roads in or about *Newfoundland* or the said Coast of *Labrador*, or any of the Islands adjacent thereunto respectively; and Liberty to go on Shore on any vacant or unoccupied Part of *Newfoundland* or said Coasts of *Labrador*, or any of the said Islands adjacent thereunto respectively, for curing, salting, drying and husbanding of their Fish, and for making Oil; and to cut down Wood and Trees on any such vacant or unoccupied Places as aforesaid, for building and making or repairing of Stages, Ship Rooms, Train Fats, Hurdles, Ships, Boats and other Necessaries for themselves and their Servants, Seamen and Fishermen, and all other Things which may be useful or advantageous to their Fishing Trade to do, as fully and freely as at any Time heretofore by virtue

568 of any former Act of Parliament hath been done there by any of His Majesty's Subjects, without any Hindrance, Interruption, Denial or Disturbance whatsoever.

IV. And be it further enacted, That whenever any Ship or Vessel shall be cleared out from any Port in the said Colony of *Newfoundland*, or in any other Part of His Majesty's Dominions, for the said Fisheries on the Banks or Coasts of *Newfoundland* or *Labrador*, or the Dependencies thereof, without having on board any Article of Traffic (except only such Provisions, Nets, Tackle and other Things as are usually employed in and about the said Fishery, and for the conduct and carrying on of the same), the Master of any such Ship or Vessel shall be entitled to demand from the Collector or other Principal Officer of His Majesty's Customs at such Port, a Certificate under His Hand, that such Vessel hath been specially cleared out for the *Newfoundland* Fishery, for which Certificate a fee of Five Shillings and no more shall be payable to such Collector or other Principal Officer as aforesaid, and such Certificate shall be in force for the Fishing Season of the Year in which the same may be granted, and no longer; and upon the first Arrival in any Port in the said Colony of *Newfoundland*, or its Dependencies, of any Ship or Vessel having on board any such Certificate as aforesaid, a Report thereof shall be made by the Master of such Ship or Vessel, to the Principal Officer of His Majesty's Customs at such Port, who shall forthwith make an Entry of such Report in the Books of the Custom House to which he may be attached or belong, and for receiving and registering such Report, a Fee not exceeding Five Shillings shall and may be taken by such Officer of the Customs at *Newfoundland*; and all Ships and Vessels having on board any such Certificate as aforesaid, which

hath in Manner aforesaid been duly reported to some Officer of His Majesty's Customs within the said Colony, and being actually engaged in the said Fishery, or in carrying coastwise, to be landed or put on board any other Ships or Vessels engaged in the said Fishery, any Fish, Oil, Salt, Provisions or other Necessaries for the Use and Purposes thereof, shall be exempt from all Obligation to make any entry at or obtain any Clearance from any Custom House at *Newfoundland*, upon entering the Ports or Harbours of the said Colony or its Dependencies, during the Continuance of the Fishing Season for which such Certificate may have been granted: Provided nevertheless, that when any such Ship or Vessel as aforesaid shall finally quit the said Fishery, for any Country or Place not being within the said Colony or the Dependencies thereof, such Ship or Vessel shall obtain the usual Clearance from some Port in the said Colony or the Dependencies thereof; and previously to obtaining such Clearance, the Master of such Ship or Vessel shall deliver up the before mentioned Certificate to the principal Officer of the Customs of such Port: Provided also, that in case any such Ship or Vessel shall have on board, during the Time the same may be engaged in the said Fishery, any goods or Merchandizes whatsoever other than Fish, Seals, Oil made of Fish or Seals, Salt, Provisions or other Things, being the Produce of or usually employed in the said Fishery, such Ships or Vessels shall forfeit the said Fishing Certificate, and shall thenceforth become and be subject and liable to all such and the same Rules, Restrictions and Regulations, as such Ship or Vessel would have been subject or liable to if this Act had not been made; any Thing hereinbefore contained to the contrary notwithstanding.

V. And for preserving the Harbours of the said Colony of *Newfoundland* and its Dependencies from all Annoyances, be it further enacted, That no ballast, Stones or any Thing else hurtful or injurious to any of the harbours there, shall be thrown out of any Ship, Vessel or Boat, or otherwise, by any Person or Persons whatsoever, to the Prejudice of any of the said Harbours, but that all such Ballast and other Things shall be carried on Shore and be laid where they may do no annoyance; and if any Person or Persons shall throw out of any Ship, Vessel or Boat, or otherwise, any Ballast, Stones or other thing hurtful or injurious to any of the Harbours of the said Colony or its Dependencies, or shall wantonly or maliciously do or procure to be done any other Matter or Thing whereby any of the said Harbours shall or may be damaged or impaired, the Persons or Person so offending shall incur and become liable to the Payment of any Fine not less than Forty Shillings, nor more than Fifty Pounds Sterling *British Money*, or to Imprisonment for any Time not exceeding One Calendar Month, or both, at the Discretion of the Court before which any such Offenders or Offender may be convicted.

VI. And be it further enacted, That no Person or Persons whatsoever shall cast anchor or do any other Matter or Thing to the Annoyance or hindering of the drawing or hauling of Nets or Seines in the customary Baiting Places in *Newfoundland*, or the Dependencies thereof, or shoot his or their Net or Seines within or upon the Net or Seines of any other Person or Persons whatever; and also that no Person or Persons whatsoever shall steal, purloin or take any Fish or Bait out of the Net or Seines of any other Person or Persons whatsoever, lying adrift or drover for Bait by Night.

VII. And be it enacted, That no Person or Persons whatsoever shall employ or cause to be employed at *Newfoundland*, or any of the Dependencies thereof, for the Purpose of carrying on the Fishery there, any Seamen or Fishermen going as Passengers, or any Seamen or Fishermen, hired there, without first entering into an Agreement or Contract with every such Seaman or Fisherman declaring what Wages or Shares such Seaman or Fisherman is to have, and the Time for which he shall serve, and in what Manner such Wages or Shares are to be paid or allowed; and every such Agreement or Contract shall be made in Writing, and shall be signed by all the Parties thereto.

VIII. And be it further enacted, That no Hirer or Employer of any such Seaman or Fisherman shall pay or advance, or cause to be paid or advanced to such Seaman or Fisherman in Money or Goods, during the Time he shall be in the Service of such Hirer or Employer, more than to the Amount of Three fourths of the Wages or Shares which by the said Contract or Agreement shall be agreed to be paid or allowed to such Seaman or Fisherman; but such Hirer or Employer shall and is hereby required and directed immediately at or upon the Expiration of every such Seaman or Fisherman's covenanted Time of Service, to pay either in Money or Goods (according as may be agreed upon as aforesaid in such Contract or Agreement in Writing), to every such Seaman or Fisherman, the full Balance of One fourth Part of his stipulated Wages or Shares aforesaid; and it shall not be lawful for any such Hirer or Employer to turn away

569 or discharge any such Seaman or Fisherman, except for wilful Neglect of Duty or other sufficient Cause, before the Expiration of his stipulated Time of Service; and in case the Hirer or Employer of any such Seaman or Fisherman shall refuse or neglect to comply with any of the Terms hereinbefore mentioned, or shall otherwise offend against this Act, every such Person so offending shall forfeit for every such Offence any Sum not less than Five Pounds, nor more than Fifty Pounds Sterling Money, to the Use of such Person or Persons as shall inform or sue for the same, to be recovered in the Supreme Court of *Newfoundland*, or by Bill, Plaintiff or Information in any of His Majesty's Courts of Record at *Westminster*: Provided always, that every such Suit or Prosecution, if the same be commenced in *Newfoundland*, shall be commenced within One Year; and if commenced in any of His Majesty's Courts of Record at *Westminster*, within Two Years from the Time of the Commission of such Offence.

IX. And be it further enacted, That in all Cases where Disputes shall arise concerning the Wages of any such Seaman or Fisherman, the Hirer or Employer shall be obliged to produce the Contract or Agreement in Writing hereinbefore directed to be entered into with every such Seaman or Fisherman, and also to give a Copy thereof to every such Seaman or Fisherman, if so required.

X. And be it further enacted, That all the Fish and Oil which shall be taken and made by the Person or Persons who shall hire or employ such Seaman or Fisherman, shall be subject and liable in the first Place to the Payment of the Wages or Shares of every such Seaman or Fisherman, and of the Demands of such Person or Persons as shall *bond fide* supply Bait to such Seaman or Fisherman for the Use and Benefit of the Hirer or Employer of such Seaman or Fisherman.

XI. And be it further enacted, That in case any such Seaman or Fisherman shall at any Time wilfully absent himself from his Duty or Employ without the Leave and Consent of his Hirer or Employer, or shall wilfully neglect or refuse to work, according to the true Intent and Meaning of his said Contract or Agreement, such Seaman or Fisherman shall for every Day he shall so absent himself, or neglect or refuse to work as aforesaid, forfeit any Number of Days' Pay or Shares not exceeding Thirty to such Hirer or Employer; and if any such Seaman or Fisherman shall wilfully absent himself from his said Duty or Employment for the Space of Fourteen Days without such Leave as aforesaid, he shall be deemed a Deserter, and shall forfeit to such Hirer or Employer all such Wages as shall at the Time of such Desertion be due to him; and it shall and may be lawful for any Justice or Justices of the Peace of *Newfoundland*, or the Dependencies thereof, to issue his or their Warrant or Warrants to apprehend every such Deserter, and on the Oath of One or more credible Witness or Witnesses to commit him to Prison, there to remain until the next Court of Sessions; and if found guilty of the said Offence at such Court of Sessions, it shall and may be lawful to and for the said Court of Sessions to order such Deserter to be imprisoned for any Time not exceeding Three Calendar Months, and afterwards to be put on board a Passage Ship, in order to his being conveyed back to the Country whereto he belongs, in case such Deserter be not a Native of or settled within the said Colony.

XII. And be it further enacted, That it shall and may be lawful for His Majesty, His Heirs and Successors, by Advice of His or their Council, from time to time to give such Orders and Instructions to the Governor of *Newfoundland*, or to any Officer or Officers on that Station, as he or they shall deem proper and necessary to fulfil the Purposes of any Treaty or Treaties now in force between His Majesty and any Foreign State or Power; and in case it shall be necessary to that End, to give Orders and Instructions to the Governor, or other Officer or Officers aforesaid, to remove or cause to be removed any Stages, Flakes, Train Fats, or other Works whatever, for the Purpose of Carrying on the Fishery, erected by His Majesty's Subjects on that part of the Coast of *Newfoundland* which lies between Cape *Saint John* passing to the North, and descending to the Western Coast of the said Island to the Place called *Cape Raye*, and also all Ships, Vessels and Boats belonging to His Majesty's Subjects which shall be found within the Limits aforesaid; and also, in case of Refusal to depart from within the Limits aforesaid, to compel any of His Majesty's Subjects to depart from thence; any Law, Custom or Usage to the contrary notwithstanding.

XIII. And be it further enacted, That if any Person or Persons shall refuse, upon Requisition made by the Governor, or any Officer or Officers acting under him in pursuance of His Majesty's Orders or Instructions as aforesaid, to depart from within the Limits aforesaid, or otherwise to conform to such Requisitions and Directions as such Governor or other Officer as aforesaid shall make or give for the purposes aforesaid, every such Person or Persons so refusing or otherwise offending against the same, shall forfeit the Sum of Fifty Pounds Sterling Money: Provided always, that every such Suit or Prosecution, if the same be commenced in *Newfoundland*, shall be commenced within One Year; and if commenced in any of His

Majesty's Courts of Record at *Westminster*, within Two Years from the Time of the Commission of such Offence.

XIV. And Whereas, by an Act passed in the Fifty first Year of the Reign of His said Majesty King *George* the Third, the Governor of the Island of *Newfoundland* is empowered to dispose of certain Places in the Harbour of *Saint John* in the said Island, called "Fishing Ships' Rooms," as therein particularly described: And Whereas it is expedient that all other Fishing Ships' Rooms in *Newfoundland* should be disposed of in like Manner; Be it further enacted, That the Governor of *Newfoundland* for the Time being shall have Power, and he is hereby authorized to sell, lease or dispose of all such Places within the said Island of *Newfoundland*, commonly called "Ship's Rooms," as may not be already disposed of under and by virtue of the said last mentioned Act, to be held in the same Manner as other Property in *Newfoundland*; provided however, that nothing herein contained shall extend or be construed to the Prejudice of any private Right of any Person whatever.

XV. And be it further enacted, That it shall and may be lawful for His Majesty, His Heirs and Successors, to grant to any Persons or Person any waste and unoccupied Lands situate and being within the said Colony, and which have not hitherto been granted by His Majesty, or any of His Royal Predecessors, to any Persons or Person; any Thing in any Charter granted by any of His Majesty's Royal Predecessors, or in any Act of Parliament, to the contrary contained in any wise notwithstanding.

570 XVI. And be it further enacted, That all Penalties hereby imposed shall and may be sued for and recovered in any of His Majesty's Courts of Record in the said Colony of *Newfoundland*, or its Dependencies, and shall go and be applied, One Half to the Benefit of any Person who may sue or inform for the same, and the other Half to His Majesty, for and towards the Support of the Government of the said Colony.

XVII. And be it further enacted, That this Act shall continue and be in force for Five Years, and from thence until the End of the then next Session of Parliament.

No. 30.—1830, November 5: Order in Council, for Regulating the Commercial Intercourse between the United States and the British Colonial Possessions.

At the Court of St. James's, the 5th day of November, 1830,

Present, The King's Most Excellent Majesty in Council.

Whereas by a certain Act of Parliament, passed in the 6th year of the reign of His late Majesty King *George* the Fourth, entitled, "An Act to regulate the trade of the British Possessions abroad," after reciting that, "by the law of navigation, foreign ships are permitted to import into any of the British possessions abroad, from the countries to which they belong, goods, the produce of those countries, and to export goods from such possessions, to be carried to any foreign country whatever, and that it is expedient that such permission should be subject to certain conditions;" it is, there-

fore, enacted, "that the privileges thereby granted to foreign ships shall be limited to the ships of those countries which, having colonial possessions, shall grant the like privileges of trading with those possessions to British ships, or which, not having colonial possessions, shall place the commerce and navigation of this country, and of its possessions abroad, upon the footing of the most favoured nation, unless His Majesty, by his order in council, shall, in any case, deem it expedient to grant the whole, or any of such privileges, to the ships of any foreign country, although the conditions aforesaid shall not in all respects be fulfilled by such foreign country.

And whereas by a certain order of His said late Majesty in council, bearing date the 27th day of July, 1826, after reciting, that the conditions mentioned and referred to in the said Act of Parliament, had not in all respects been fulfilled by the Government of the United States of America, and that, therefore, the privileges so granted as aforesaid by the law of navigation to foreign ships, could not lawfully be exercised or enjoyed by the ships of the United States aforesaid, unless His Majesty, by his order in council, should grant the whole or any of such privileges to the ships of the United States aforesaid: His said late Majesty did, in pursuance of the powers in him vested by the said Act, grant the privileges aforesaid to the ships of the said United States; but did thereby provide and declare, that such privileges should absolutely cease and determine in His Majesty's possessions in the West Indies and South America, and in certain other of His Majesty's possessions abroad, upon and from certain days in the said order for that purpose appointed, and which are long since passed:

And whereas, by a certain other order of His said late Majesty in council, bearing date the 16th of July, 1827, the said last mentioned order was confirmed; and whereas, in pursuance of the Acts of Parliament, in that behalf made and provided, His said late Majesty, by a certain order in council, bearing date the 21st day of July, 1823, and by the said order in council, bearing date the 27th day of July, 1826, was pleased to order, that there should be charged on all vessels of the said United States, which should enter any of the ports of His Majesty's possessions in the West Indies or America, with articles of the growth, produce, or manufacture, of the said States, certain duties of tonnage and of customs therein particularly specified:

And whereas it hath been made to appear to His Majesty in council, that the restrictions heretofore imposed by the laws of the United States aforesaid, upon British vessels, navigated between the said States and His Majesty's possessions in the West Indies and America, have been repealed, and that the discriminating duties of tonnage and of customs, heretofore imposed by the laws of the said United States, upon British vessels and their cargoes, entering the ports of the said States from His Majesty's said possessions, have also been repealed, and that the ports of the United States are now open to British vessels and their cargoes, coming from His Majesty's possessions aforesaid; His Majesty doth, therefore, with the advice of his Privy Council, and in pursuance and exercise of the powers so vested in him, as aforesaid, by the said Act, so passed in the 6th year of the reign of his said late Majesty, or by any other

Act or Acts of Parliament, declare, that the said recited orders in council, of the 21st day of July, 1823, and of the 27th day of July, 1826, and the said order in council, of the 16th day of July, 1827 (so far as such last mentioned order relates to the said United States), shall be, and the same are, hereby respectively revoked:

And His Majesty doth further, by the advice aforesaid, and
 571 in pursuance of the powers aforemore, declare that the ships
 of and belonging to the said United States of America, may
 import from the United States aforesaid, into the British possessions
 abroad, goods the produce of those States, and may export goods
 from the British possessions abroad to be carried to any foreign
 country whatever.

And the Right Honourable the Lords Commissioners of His
 Majesty's Treasury, and the Right Honourable Sir George Murray,
 one of His Majesty's Principal Secretaries of State, are to give the
 necessary directions herein, as to them may respectively appertain.

JAS. BULLER.

No. 31.—1836, July 6: Order in Council confirming Nova Scotia Statute of 12th March, 1836.

At the Court at St. James's the 6th of July 1836.

Present: The King's Most Excellent Majesty, Lord Chancellor, Lord Steward, Lord Chamberlain, Marquis of Winchester, Earl of Albemarle, Earl of Minto, Lord John Russell, Viscount Palmerston, Viscount Melbourne, Viscount Howick, Lord Glenelg.

Whereas by an Act passed by the Lieutenant Governor Council and Assembly of the province of Nova Scotia on the 12th day of March 1836 entitled "An Act relating to the Fisheries and for the prevention of illicit Trade in the Province of Nova Scotia and the Coasts and Harbours thereof—" it is amongst other things enacted, that the said Act shall not go into force or be of any effect until His Majesty's assent shall be signified thereto and an order be made by His Majesty in Council that the clauses and provisions of the said Act shall be the rules, regulations and restrictions respecting the fisheries on the coasts bays, creeks or harbours of the province of Nova Scotia; And Whereas His Majesty hath by an Order in Council bearing date the 15th June 1836, signified his royal assent to the aforesaid Act by specially confirming the same; And Whereas it is expedient that in pursuance of the said recited enactment the rules, regulations and restrictions respecting the fisheries in the said Act mentioned should be confirmed His Majesty was this day pleased by and with the advice of his Privy Council and in pursuance of the said Act to declare and it is hereby accordingly declared, that the clauses and provisions of the aforesaid Act shall be the rules regulations and restrictions respecting the fisheries on the coasts, bays creeks or harbours of the province of Nova Scotia. Whereof the Governor Lieutenant Governor or Commander in Chief of His Majesty's province of Nova Scotia for the time being and all other persons whom it may concern are to take notice and govern themselves accordingly.

No. 32.—1844, September 3: Order in Council confirming Rules, &c., of Statute of Prince Edward Island, of 15th April, 1843.

At the Court at Windsor, the 3rd day of September, 1844.

Present: The Queen's Most Excellent Majesty, His Royal Highness Prince Albert, Duke of Wellington, Lord Steward, Lord Chamberlain, Earl of Jersey, Earl of Haddington, Earl of Aberdeen, Lord Granville Somerset, Lord Stanley, Sir Robert Peel, Bart., Mr. Chancellor of the Exchequer, Sir James Graham Bt., Sir Edward Knatchbull Bt.

Whereas by an Act passed by the Lieutenant Governor Council and Assembly of Prince Edwards Island on the 15th of April 1843 entitled "An Act relating to the Fisheries and for the Prevention of illicit Trade in Prince Edward's Island and the Coasts and Harbours thereof" it is amongst other things enacted that the said Act shall not go into force or be of any effect until Her Majesty's assent shall be signified thereto and an Order made by Her Majesty in Council that the clauses and provisions of the said Act shall be the rules regu-

572 lations and restrictions respecting the fisheries on the coasts bays creeks or harbours of the island of Prince Edward and

whereas Her Majesty hath by an Order in Council bearing even date herewith signified her royal assent to the aforesaid Act by specially confirming the same and whereas it is expedient that in pursuance of the said recited enactment the rules regulations and restrictions respecting the fisheries in the said Act mentioned should be confirmed and Her Majesty was this day pleased by and with the advice of her Privy Council and in pursuance of the said Act to declare and it is hereby declared that the clause and provisions of the aforesaid Act shall be the rules regulations and restrictions respecting the fisheries on the coasts bays creeks or harbours on the island of Prince Edward Whereof the Governor Lieut: Governor or Commander in Chief of Her Majesty's said island of Prince Edward for the time being and all other persons whom it may concern are to take notice and govern themselves accordingly.

No. 33.—1851, August 7: British Statute, 14 and 15 Vict., Cap. 63.

An Act for the Settlement of the Boundaries between the Provinces of Canada and New Brunswick.

[7th August 1851.]

Whereas certain disputes have existed respecting the boundary line between the provinces of Canada and New Brunswick in North America; and pending such disputes certain funds have arisen from the disputed territory, and have been received by the Governments of such provinces respectively: And whereas, with a view to the settlement of such disputes, the Governor General of Canada and the Lieutenant Governor of New Brunswick, by the advice of their respective Councils, agreed that the mat-

ter in dispute should be referred to arbitrators, who should be directed to report to Her Majesty's Government, and that such Governor General and Lieutenant Governor should each name an arbitrator on behalf of the said respective provinces, and that such arbitrators should name a third arbitrator, the award to be made by the three arbitrators or any two of them; and it was also agreed by such Governor General and Lieutenant Governor, with the advice aforesaid, that the net proceeds of the funds in the hands of the said Governments arising from the disputed territory should be applied, first, to defray the expenses of the arbitration, second, to defray the necessary expenses of running the (Boundary) line as settled, (in case such funds should prove insufficient, the expenses to be borne equally by the respective Governments,) and, third, the balance of such funds to the improvement of the land and water communication between the Great Falls of the *Saint John* and the *Saint Lawrence*: And whereas, in pursuance of the Agreement in this behalf, the Governor General of *Canada* named *Thomas Falconer* Esquire to be one of the said arbitrators, and the Lieutenant Governor of *New Brunswick* named *Travers Twiss* Doctor of Laws to be another of the said arbitrators, and the said *Thomas Falconer* and *Travers Twiss* named the Right Honourable *Stephen Lushington*, Judge of the Admiralty Court, to act as the third arbitrator: And whereas on the seventeenth day of *April* one thousand eight hundred and fifty-one the said *Stephen Lushington* and *Travers Twiss* made an award concerning the said boundary, and transmitted the same, together with a plan therein referred to, to the Right Honourable Earl *Grey*, one of Her Majesty's principal Secretaries of State, and such award is in the following terms:

That *New Brunswick* shall be bounded on the West by the boundary of the United States, as traced by the Commissioners of boundary under the Treaty of *Washington* dated *August* 1842, from the source of the *Saint Croix* to a point near the outlet of Lake *Pech-la-wee-kaa-co-nies* or Lake *Beau*, marked A. in the accompanying copy of a part of Plan 17 of the survey of the boundary under the above treaty; thence by a straight line connecting that point with another point to be determined at the distance of one mile due south from the southernmost point of *Long Lake*; thence by a straight line drawn to the southernmost point of the Fiefs *Madawaska* and *Temiscouata*, and along the south-eastern boundary of those Fiefs to the south-east angle of the same; thence by a meridional line northwards till it meets a line running east and west, and tangent to the height of land dividing the waters flowing into the River *Rimouski* from those tributary to the *Saint John*; thence along this tangent line eastward until it meets another meridional line tangent to the height of land dividing waters flowing into the River *Rimouski* from those flowing into the *Restigouche* River; thence along this meridional line to the 48th parallel of latitude; thence along that parallel to the *Mistouche* River; and thence down the centre of the stream of that river to the *Restigouche*; thence down the centre of the stream of the *Restigouche* to its Mouth in the Bay of *Chaleurs*; and thence through the middle of that Bay to the Gulf of the *Saint Lawrence*; the Islands in the said rivers *Mistouche* and *Restigouche* to the Mouth of the latter river *Dalhousie* being given to *New Brunswick*." And whereas it is expedient that the said boundary should be settled in conformity

with the said award: Now, therefore, 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, as follows:

I. *New Brunswick* shall be bounded as in the said award mentioned; and it shall be lawful for one of Her Majesty's principal Secretaries of State to appoint such person or persons as he 573 may think fit to ascertain, define, and mark the boundary line between the said province of *New Brunswick* and the said province of *Canada*, according to the intent of the said award.

II. The net proceeds of the funds in the hands of the local Governments of the said provinces of *Canada* and *New Brunswick* respectively arising from the territory heretofore in dispute between such provinces shall be applied according to the terms herein-before mentioned of the said agreement concerning the same.

No. 34.—1855, August 14: Extract from British Statute, 18 and 19 Vict., Cap. 91.

An Act to facilitate the Erection and Maintenance of Colonial Lighthouses, and otherwise to amend the Merchant Shipping Act, 1854.

[14th August, 1855.]

Whereas it is expedient to make provision for facilitating the erection and maintenance of lighthouses in the *British Possessions abroad*, and otherwise to amend the Merchant Shipping Act, 1854: Be it therefore 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, as follows:

I. This Act may be cited as "The Merchant Shipping Act Amendment Act, 1855," and shall be taken to be part of the Merchant Shipping Act, 1854, and shall be construed accordingly.

II. In any case in which any lighthouse, buoy, or beacon has been or is hereafter erected or placed on or near the coasts of any *British Possession*, by or with the consent of the Legislative Authority of such Possession, Her Majesty may, by Order in Council, fix such dues in respect thereof, to be paid by the owner or master of every ship which passes the same or derives benefit therefrom, as Her Majesty may deem reasonable, and may in like manner from time to time increase, diminish, or repeal such dues, and from the time specified in such order for the commencement of the dues thereby fixed, increased, or diminished the same shall be leviable throughout Her Majesty's dominions in manner herein-after mentioned.

III. No such dues as aforesaid shall be levied in any Colony unless and until the Legislative authority in such Colony has, either by address to the Crown, or by an Act or Ordinance duly passed, signified its opinion that the same ought to be levied in such Colony.

IV. The said dues shall in the United Kingdom be collected by the same persons by whom, and by the same means, in the same manner, and subject to the same conditions, so far as circumstances permit, by, in, and subject to which the Light Dues leviable under the Merchant

Shipping Act, 1854, are collected, and shall in each *British Possession Abroad* be collected by such persons as the Governor of such Possession Abroad may appoint for the purpose, and shall be collected by the same means, in the same manner, and subject to the same conditions, so far as circumstances permit, by, in, and subject to which the Light Dues leviable under the Merchant Shipping Act, 1854, are paid and collected, or by such other means, in such other manner, and subject to such other conditions as the Legislative authority in such Possession may direct.

V. All dues levied under this Act shall be paid over to Her Majesty's Paymaster General at such times and in such manner as the Board of Trade may direct, and shall be applied, paid, and dealt with by him, for the purposes herein-after mentioned, in such manner as such Board may direct.

VI. The dues levied under the authority of this Act in respect of any such light house, buoy, or beacon as aforesaid shall, after deducting any expenses incurred in collecting the same, be applied for the purpose of paying the expenses incurred in erecting and maintaining such light house, buoy, or beacon, and for no other purpose whatever.

VII. For the purpose of constructing or repairing any such light house, buoy, or beacon as aforesaid, the Board of Trade may raise, upon the security of the dues to be levied in respect thereof, such sums of money as they may deem fit; and the Commissioners of Her Majesty's Treasury, out of any monies which may be provided by Parliament, the Public Works Loan Commissioners, or any other person or body of persons, may advance the same accordingly, such advances to be made in the same manner, with the same powers, and subject to the same provisions, so far as circumstances permit, in, with, and subject to which, under the Merchant Shipping Act, 1854, advances may be made upon the security of the Mercantile Marine fund for the construction and repair of light houses in the United Kingdom.

VIII. Accounts shall be kept of all sums expended in the construction, repair, or maintenance of every light house, buoy, or beacon in the *British Possessions Abroad* for which dues are levied under the authority of this Act, and of the dues received in respect thereof, in such manner as the Board of Trade may direct, and shall be laid before Parliament annually; and the said accounts shall be audited in such manner as Her Majesty may by Order in Council direct.

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574 No. 35.—1878, August 16: *British Statute, 41 and 42 Vict., Cap. 73.*

An Act to regulate the Law relating to the Trial of Offences committed on the Sea within a certain distance of the Coasts of Her Majesty's Dominions.

[16th August 1878.]

Whereas the righful jurisdiction of Her Majesty, her heirs and successors, extends and has always extended over the open seas adjacent to the coasts of the United Kingdom and of all other parts of

Her Majesty's dominions to such a distance as is necessary for the defence and security of such dominions:

And whereas it is expedient that all offences committed on the open sea within a certain distance of the coasts of the United Kingdom and of all other parts of Her Majesty's dominions, by whomsoever committed, should be dealt with according to law:

Be it therefore 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, as follows:

1. This Act may be cited as the Territorial Waters Jurisdiction Act, 1878.

2. An offence committed by a person, whether he is or is not a subject of Her Majesty, on the open sea within the territorial waters of Her Majesty's dominions, is an offence within the jurisdiction of the Admiral, although it may have been committed on board or by means of a foreign ship, and the person who committed such offence may be arrested, tried, and punished accordingly.

3. Proceedings for the trial and punishment of a person who is not a subject of Her Majesty, and who is charged with any such offence as is declared by this Act to be within the jurisdiction of the Admiral, shall not be instituted in any court of the United Kingdom, except with the consent of one of Her Majesty's Principal Secretaries of State, and on his certificate that the institution of such proceedings is in his opinion expedient, and shall not be instituted in any of the dominions of Her Majesty out of the United Kingdom, except with the leave of the Governor of the part of the dominions in which such proceedings are proposed to be instituted, and on his certificate that it is expedient that such proceedings should be instituted.

4. On the trial of any person who is not a subject of Her Majesty for an offence declared by this Act to be within the jurisdiction of the Admiral, it shall not be necessary to aver in any indictment or information on such trial that such consent or certificate of the Secretary of State or Governor as is required by this Act has been given, and the fact of the same having been given shall be presumed unless disputed by the defendant at the trial; and the production of a document purporting to be signed by one of Her Majesty's Principal Secretaries of State as respects the United Kingdom, and by the Governor as respects any other part of Her Majesty's dominions, and containing such consent and certificate, shall be sufficient evidence for all the purposes of this Act of the consent and certificate required by this Act.

Proceedings before a justice of the peace or other magistrate previous to the committal of an offender for trial or to the determination of the justice or magistrate that the offender is to be put upon his trial shall not be deemed proceedings for the trial of the offence committed by such offender for the purposes of the said consent and certificate under this Act.

5. Nothing in this Act contained shall be construed to be in derogation of any rightful jurisdiction of Her Majesty, her heirs or successors, under the law of nations, or to affect or prejudice any jurisdiction conferred by Act of Parliament or now by law existing in relation to foreign ships or in relation to persons on board such ships.

6. This Act shall not prejudice or affect the trial in manner heretofore in use of any act of piracy as defined by the law of nations, or affect or prejudice any law relating thereto; and where any act of piracy as defined by the law of nations is also any such offence as is declared by this Act to be within the jurisdiction of the Admiral, such offence may be tried in pursuance of this Act, or in pursuance of any other Act of Parliament, law, or custom relating thereto.

7. In this Act, unless there is something inconsistent in the context, the following expressions shall respectively have the meanings herein-after assigned to them; that is to say,

“The jurisdiction of the Admiral,” as used in this Act, includes the jurisdiction of the Admiralty of England and Ireland, or either of such jurisdictions as used in any act of Parliament; and for the purpose of arresting any person charged with an offence declared by this Act to be within the jurisdiction of the Admiral, the territorial waters adjacent to the United Kingdom, or any other part of Her Majesty’s dominions, shall be deemed to be within the jurisdiction of any judge, magistrate, or officer having power within such United Kingdom, or other part of Her Majesty’s dominions, to issue warrants for arresting or to arrest persons charged with offences committed within the jurisdiction of such judge, magistrate, or officer:

“United Kingdom” includes the Isle of Man, the Channel Islands, and other adjacent islands:

“The territorial waters of Her Majesty’s dominions,” in reference to the sea, means such part of the sea adjacent to the coast of the United Kingdom, or the coast of some other part of Her Majesty’s dominions, as is deemed by international law to be within the territorial sovereignty of Her Majesty; and for the purpose of any offence declared by this Act to be within the jurisdiction of the Admiral, any part of the open sea within one marine league of the coast measured from low-water mark shall be deemed to be open sea within the territorial waters of Her Majesty’s dominions:

575 “Governor,” as respects India, means the Governor General or the Governor of any presidency; and where a British possession consists of several constituent colonies, means the Governor General of the whole possession or the Governor of any of the constituent colonies; and as respects any other British possession, means the officer for the time being administering the government of such possession; also any person acting for or in the capacity of Governor shall be included under the term “Governor:”

“Offence” as used in this Act means an act, neglect, or default of such a description as would, if committed within the body of a county in England, be punishable on indictment according to the law of England for the time being in force:

“Ship” includes every description of ship, boat, or other floating craft:

“Foreign ship” means any ship which is not a British ship.

No. 36.—1880, July: Notice to British Fishermen for the Observance of the Regulations agreed upon between the British and German Governments for fishing off the coasts of the German Empire.

NOTICE TO BRITISH FISHERMEN FISHING OFF THE COASTS OF THE EMPIRE OF GERMANY.

Her Majesty's Government and the German Government having agreed respecting the regulations to be observed by British fishermen fishing off the coasts of the German Empire, the following Notice is issued for the guidance and warning of British fishermen:—

Notice.

1. The exclusive fishery limits of the German Empire are designated by the Imperial Government as follows: that tract of the sea which extends to a distance of three sea miles from the extremest limit which the ebb leaves dry of the German North sea coast, of the German islands or flats lying before it, as well as those bays and incurvations of the coast which are 10 sea miles or less in breadth, reckoned from the extremest points of the land and the flats, must be considered as under the territorial sovereignty of the German Empire.

2. The exclusive right of fishery within the above limits is accordingly to be enjoyed by fishermen of German nationality only, and English fishing boats are not at liberty to enter those limits except under the following circumstances, namely:—

(1.) When driven by stress of weather or by evident danger.
(2.) When carried in by contrary winds, by strong tides, or by any other cause beyond the control of the master and crew.

(3.) When obliged by contrary winds and tides to beat up in order to reach their fishing-grounds; and when, from the same cause of contrary wind or tide, they could not, if they remained outside, be able to hold on their course to their fishing-ground.

(4.) When, during the herring fishing season, English fishing boats shall find it necessary to anchor under shelter of the German coasts, in order to wait the opportunity for proceeding to their fishing-ground.

(5.) When proceeding directly to any port of the German Empire, open to Englishmen for the sale of fish, where the cargo is to be sold.

3. Fishing boats not of German nationality which pass within the limits above-mentioned without being compelled to do so by any of the circumstances above enumerated, and not being on their direct way to a port for the sale of fish, will be liable to be turned back; and in the event of their resisting, or in the event of their being found fishing within the limits above described, will be arrested and proceeded against before the nearest competent authority.

Complaints having been made to Her Majesty's Government that the crews of certain British fishing boats have misconducted themselves when off the coasts of the German Empire, by sailing across and cutting the lines and injuring the gear of German fishermen, notice is also hereby given that every endeavour will be used by Her Majesty's Government to assist the German authorities in repressing all such outrages, and in bringing the offenders to justice.

T. H. FARRER, *Secretary.*

No. 37.—1883, August 2: *British Statute, 46 and 47 Vict., Cap. 22.*

An Act to carry into effect an International Convention concerning the fisheries in the North Sea, and to amend the Laws relating to British Sea Fisheries.

[*2nd August 1883.*]

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, as follows:

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PRELIMINARY.

1. This Act may be cited as the *Sea Fisheries Act, 1883.*

CONFORMATION OF CONVENTION.

2. The Convention set out in the first schedule to this Act (referred to in this Act as the Convention) is hereby confirmed, and the Articles thereof shall be of the same force as if they were enacted in the body of this Act.

FISHERY REGULATIONS.

3. It shall be lawful for Her Majesty from time to time, by Order in Council, to make, alter, and revoke regulations for carrying into execution this Act, and the intent and object thereof, and for the maintenance of good order among sea fishing boats, and the persons belonging thereto, and to impose fines not exceeding ten pounds for the breach of such regulations.

4. If within the exclusive fishery limits of the British Islands any person, or if outside those limits any person belonging to a British sea-fishing boat,

- (a.) acts in contravention of Articles thirteen to twenty-two (both inclusive) of the first schedule to this Act, or any of them; or,
- (b.) causes injury to any person in any one or more of the following ways, namely, by assaulting any one belonging to another sea-fishing boat, or by causing damage to another sea-fishing boat, or to any property on board thereof, or belonging thereto; or
- (c.) fishes for oysters or has on board his boat any oyster dredge within any seas and during any time within and during which oyster fishing is prohibited by law, or by any Convention, Treaty, or Arrangement to which this Act may be hereafter applied;

such persons shall be liable, on summary conviction, to a fine not exceeding fifty pounds, or, in the discretion of the Court, to imprisonment for a term not exceeding three months, with or without hard labour.

5. If within the exclusive fishery limits of the British Islands, and person, or if outside those limits any person belonging to a British sea-fighting boat,

- (a.) Uses any instrument for the purpose of damaging or destroying, by cutting or otherwise, any fishing implement belonging to another sea-fishing boat, except in the cases provided for by Articles twenty and twenty-one of the first Schedule to this Act; or,
- (b.) Takes on board or has on board such boat any instrument serving only or intended to damage or destroy fishing implements, by cutting or otherwise;

such person shall be liable on summary conviction to a fine not exceeding fifty pounds, or in the discretion of the Court to imprisonment for a term not exceeding three months, with or without hard labour, and the instrument shall be liable to be forfeited.

6. The regulations respecting lights for the time being in force under the Acts relating to merchant shipping shall, so far as they relate to sea-fishing boats, be deemed to be provisions of this Act and may be enforced accordingly, and a sea-fishery officer shall for that purpose, in addition to his powers under this Act, have the same powers as are given to any officer by the said Acts relating to merchant shipping.

EXCLUSIVE FISHERY LIMITS.

7. (1.) A foreign sea-fishing boat shall not enter within the exclusive fishery limits of the British Islands, except for purposes recognized by international law, or by any Convention, Treaty, or Arrangement for the time being in force between Her Majesty and any Foreign State, or for any lawful purpose.

- (2.) If a foreign sea-fishing boat enters the exclusive fishery limits of the British Islands,
 - (a.) The boat shall return outside of the said limits so soon as the purpose for which it entered has been answered;
 - (b.) No person on board the boat shall fish or attempt to fish while the boat remains within the said limits;
 - (c.) Such regulations as Her Majesty may from time to time prescribe by Order in Council shall be duly observed.
- (3.) In the event of any contravention of this section on the part of any foreign sea-fishing boat, or of any person belonging thereto, the master or person for the time being in charge of such boat, shall be liable on summary conviction to a fine not exceeding, in the case of the first offence, ten pounds, and in the case of a second or any subsequent offence, twenty pounds.

REGISTRY OF BRITISH SEA-FISHING BOATS.

8. (1.) Sections twenty-two, twenty-three, twenty-four, and twenty-six of the Sea Fisheries Act, 1868 (which relate to the registry of British sea-fishing boats), shall have effect as if Articles five to twelve (both inclusive) of the first Schedule to this Act were therein referred to in addition to the Articles of the first Schedule to that Act in the said sections mentioned, and as if offences under this Act were offences in the said sections mentioned; provided that nothing in the said sections shall be deemed to authorize any foreign sea-fishery officer to do anything which he is not, under the first Schedule to this Act, authorized to do.

577 (2.) Section one hundred and seventy-six of the Customs Consolidation Act, 1876, shall not apply to any British sea-fishing boat entered or registered in pursuance of the said sections of the Sea Fisheries Act, 1868.

MISCELLANEOUS.

9. (1.) There shall not be manufactured or sold or exposed for sale at any place within the British Islands, any instrument serving only or intended to damage or destroy fishing implements, by cutting or otherwise.

(2.) In the event of any contravention of this section a person guilty thereof shall be liable, on summary conviction, to a fine not exceeding fifty pounds, or, in the discretion of the Court, to imprisonment for a term not exceeding three months, with or without hard labour, and the instrument shall be liable to be forfeited.

10. The boats and things specified in Article twenty-five of the first Schedule to this Act shall be deemed to be "wreck" within the meaning of any Acts relating to merchant shipping, so however that the provisions of the said Article shall be duly observed.

ENFORCEMENT OF ACT.

11. (1.) The provisions of this Act and of any Order in Council under this Act or under the sections of the Sea-Fisheries Act, 1868, amended by this Act shall be enforced by sea-fishery officers, either British or foreign.

(2.) The following persons shall be British sea-fishery officers; that is to say, every officer of or appointed by the Board of Trade, every commissioned officer of any of Her Majesty's Ships on full pay, every officer authorized in that behalf by the Admiralty, every British Consular Officer, every Collector and Principal Officer of Customs in any place in the British Islands, and every officer of Customs in the British Islands authorized in that behalf by the Commissioners of Customs, every divisional officer of the Coastguard, and every principal officer of a Coastguard station.

(3.) The following persons shall be foreign sea-fishery officers, that is to say, the commander of any vessel belonging to the Government of any foreign State bound by the Convention, and any officer appointed by a foreign State for the purpose of enforcing the Convention, or otherwise recognized by Her Majesty as a sea-fishery officer of a foreign State.

12. For the purpose of enforcing the provisions of this Act and of any Order in Council under this Act or under the Sea Fisheries Act, 1868, as amended by this Act, a British sea-fishery officer may with respect to any sea-fishing boat within the exclusive limits of the British Islands and with respect to any British sea-fishing boat outside of those limits exercise the following powers:

(1.) He may go on board it;

(2.) He may require the owner, master, and crew, or any of them, to produce any certificates of registry, licences, official log-books, official papers, articles of agreement, muster rolls, and other documents relating to the boat, or to the crew, or to any member thereof, or to any person on board the boat,

which are in their respective possession or control on board the boat, and may take copies thereof or of any part thereof;

- (3.) He may muster the crew of the boat;
- (4.) He may require the master to appear and give any explanation concerning his boat and her crew, and any person on board his boat, and the said certificates of registry, licences, official logbooks, official papers, articles or agreement, muster rolls, and other documents, or any of them;
- (5.) He may examine all sails, lights, small boats, anchors, grapnels, and fishing implements belonging to the boat;
- (6.) He may seize any instrument serving only or intended to damage or destroy fishing implements, by cutting or otherwise, which is found on board the boat or in the possession of any person belonging to the boat;
- (7.) He may make any examination or inquiry which he deems necessary to ascertain whether any contravention of the provisions of this Act, or of any such Order of Council as aforesaid has been committed, or to fix the amount of compensation due for any damage done to another sea-fishing boat, or to any person or property on board thereof or belonging thereto, and may administer an oath for such purpose; and
- (8.) In the case of any person who appears to him to have committed any such contravention he may, without summons, warrant, or other process, both take the offender and the boat to which he belongs and the crew thereof to the nearest or most convenient port, and bring him or them before a competent Court, and detain him, it, and them in the port until the alleged contravention has been adjudicated upon.

13. For the purpose of carrying into effect the Convention, and of exercising and performing the powers and duties thereby vested in and imposed on cruisers and commanders of cruisers, a foreign sea-fishery officer may, with respect to any British sea-fishing boat and any sea-fishery officer, whether British or foreign, may, with respect to any foreign sea-fishing boat to which this Act for the time being applies, exercise any of the powers conferred by this Act on British sea-fishery officers.

Provided that—

- (a.) Nothing in this section shall authorize a sea-fishery officer to do anything not authorized by the Convention; and
 - (b.) The port to which any sea-fishing boat or any person belonging thereto is taken shall, except where the nationality of such boat is not evidenced by official papers, be a port of the State to which such boat belongs.
14. (1.) A sea-fishery officer shall be entitled to the same protection in respect of any action or suit brought against him for any act done or omitted to be done in the execution of his duty under this Act, as is given to any officer of Customs by the Customs Consolidation Act, 1876, or any Act amending the same, and (with reference to the seizure or detention of any ship) by any Act relating to the registry of British ships.

(2.) If any person obstructs any sea-fishery officer in acting under the powers conferred by this Act, or refuse or neglect to comply with any requisition or direction lawfully made or given by, or to

answer any question lawfully asked by, any sea-fishery officer in pursuance of this Act, such person shall be liable, on summary conviction, to a fine not exceeding fifty pounds, or to be imprisoned for a term not exceeding three months, with or without hard labour.

LEGAL PROCEEDINGS.

15. (1.) Where on the conviction of any person under this Act for an offence it appears to the Court that any injury to person or property has been caused by the offence, the Court may by such conviction adjudge the person convicted to pay in addition to any fine a reasonable sum as compensation for such injury, and such sum may be recovered as a fine under this Act and when recovered shall be paid to the person injured.

(2.) Any compensation specified in a document signed in accordance with Article thirty-three of the first Schedule to this Act or fixed by a sea-fishery officer in accordance with any submission to arbitration may be recovered as a simple contract debt, and in England may also be recovered as a civil debt before a Court of summary jurisdiction.

(3.) In a proceeding against any person for recovery of such last-mentioned compensation, the formal document referred to in the said Article, or an award of a sea-fishery officer in pursuance of a submission to arbitration signed by the person liable to pay such compensation, shall be sufficient evidence that such person is liable to pay the compensation specified in such document or award.

16. (1.) Offences under this Act may (save as otherwise provided) be prosecuted, and fines under this Act may be recovered in a summary manner; that is to say,—

- (a.) In England before a Justice or Justices, in manner provided by the Summary Jurisdiction (English) Acts;
- (b.) In Scotland in manner provided by the Summary Jurisdiction (Scotland) Acts, 1864 and 1881;
- (c.) In Ireland within the police district of Dublin metropolis in manner provided by the Acts regulating the powers and duties of the Justices of the peace of such district, or of the police of such district, and elsewhere in Ireland in manner provided by the Petty Sessions (Ireland) Acts, 1851, and the Acts amending the same;
- (d.) In the Isle of Man, and the Islands of Guernsey, Jersey, Alderney, and Sark respectively, before any Court, Governor, Deputy Governor, Deemster, Jurat, or other Magistrate, in the manner in which the like offences and fines are by law prosecuted and recovered, or as near thereto as circumstances admit.

(2.) If any person feels aggrieved by any conviction under this Act by a Court of summary jurisdiction, or by any determination or adjudication of such Court with respect to any compensation under this Act, he may, where imprisonment is awarded without the option of a fine, or the sum adjudged to be paid exceeds five pounds, appeal therefrom as follows:—

- (a.) In England the appeal shall be to Quarter Sessions in manner provided by the Summary Jurisdiction (English) Acts;

(b.) In Ireland the appeal shall be to the Court of Quarter Sessions in manner directed by the Petty Sessions (Ireland) Act, 1851, and the Acts amending the same;

(c.) In Scotland, the Isle of Man, and the Islands of Guernsey, Jersey, Alderney, and Sark, the appeal shall be to the Court and in the manner in which appeals from the like convictions and determinations and adjudications are made.

17. (1.) Any document drawn up in pursuance of the first Schedule to this Act shall be admissible in any proceeding, civil or criminal, as evidence of the facts or matters therein stated.

(2.) If evidence contained in any such document was taken on oath in the presence of the person charged in such evidence, and such person had an opportunity of cross-examining the person giving such evidence and of making his reply to such evidence, the sea-fishery officer drawing up such document may certify the said facts, or any of them.

(3.) Any document or certificate in this section mentioned purporting to be signed by a sea-fishery officer shall be admissible in evidence without proof of such signature, and, if purporting to be signed by any other person, shall, if certified by a sea-fishery officer to have been so signed, be deemed until the contrary is proved to have been signed by such other person.

(4.) If any person forges the signature of the sea-fishery officer to any such document as above mentioned, or makes use of any such document knowing the signature thereto to be forged, such person shall be liable on summary conviction to imprisonment for a term not exceeding three months with or without hard labour, and on conviction on indictment to be imprisoned with or without hard labour for a term not exceeding two years, and the cost of the prosecution of any such person on indictment may be paid as in cases of felony.

18. For the purpose of giving jurisdiction to Courts under this act, a sea-fishing boat shall be deemed to be a ship within the meaning of any act relating to offences committed on board a ship, and every

Court shall have the same jurisdiction over a foreign sea-
579 fishing boat within the exclusive fishery limits of the British

Islands, and persons belonging thereto, as such Court would have if such boat were a British sea-fishing boat.

19. Service of any summons or other matter in any legal proceeding under this Act shall be good service if made personally on the person to be served, or at his last place of abode, or if made by leaving such summons for him on board any sea-fishing boat to which he may belong, with the person being or appearing to be in command or charge of such boat.

20. (1.) Where any offence against this Act has been committed by some person belonging to a sea-fishing boat, the master or person for the time being in charge of such boat shall in every case be liable to be deemed guilty of such offence; provided that if he proves that he issued proper orders for the observance, and used due diligence to enforce the observance, of this Act, and that the offence in question was actually committed by some other person without his connivance, and that the actual offender has been convicted, or that he has taken all practicable means in his power to prosecute such offender (if alive) to conviction, he shall not be liable to any further punishment than payment of compensation for any injury caused by the offence.

(2.) Any fine or compensation adjudged under this Act may be recovered in the ordinary way, or, if the Court think fit so to order, by distress or poinding and sale of the sea-fishing boat to which the offender belongs, and her tackle, apparel, and furniture and any property on board thereof or belonging thereto, or any part thereof; provided that, where the boat is a foreign sea-fishing boat, the Court may order that in lieu of any such distress the boat may be detained in some port in the British Islands for a period not exceeding three months from the date of the conviction, and the boat may be detained accordingly, and in such case shall not be distrained.

21. (1.) The Court adjudging any fine or forfeiture under this Act may, if it think fit, direct the whole or any part thereof to be applied in or towards payment of the expenses of the proceedings; and, subject to such direction, all fines and the proceeds of all forfeitures recovered under this Act shall, notwithstanding any thing in any Act relating to municipal corporations or otherwise, be paid into the Exchequer in such manner as the commissioners of the Treasury may direct.

(2.) Forfeitures may be destroyed, sold, and disposed of as the Court adjudging the forfeiture may direct.

22. (1.) Nothing in this Act shall prevent any person being liable under any other Act or otherwise to any indictment, proceeding, punishment, or penalty, other than is provided for any offence by this Act, so that no person be punished twice for the same offence.

(2.) Nothing in this Act, or in any Order in Council made thereunder, nor any proceedings under such Act or Order with respect to any matter, shall alter the liability of any person in any action or suit with reference to the same matter, so that no person shall be required to pay compensation twice in respect to the same injury.

APPLICATION OF ACT.

23. If at any time after the commencement of this Act any Convention, Treaty, or Arrangement respecting sea fisheries is made between Her Majesty and any Foreign State, it shall be lawful for Her Majesty by Order in Council, to direct that all or any of the provisions of this Act shall, and the same shall accordingly (subject to the exceptions, restrictions, and conditions, if any, in the order mentioned) apply to the said Convention, Treaty, or Arrangement, and have effect in like manner as if the same Convention, Treaty, or Arrangement were set forth in the first Schedule to this Act, and were part of that Schedule and were the Convention referred to in this Act.

24. If the provisions of this Act are applied by Order in Council to any Convention, Treaty or Arrangement made in substitution for the Convention set forth in the first Schedule to the Sea-Fisheries Act, 1868, or for the Convention and Articles set forth in the Schedule to the Act of the sixth and seventh years of the reign of Her present Majesty, chapter seventy-nine intituled "An Act to carry into effect the Convention between Her Majesty and the King of the French, concerning the fisheries in the seas between the British Islands and France," that last-mentioned Act shall, after the date fixed by the said Order for the application of this Act be repealed, but such last-mentioned Act shall, until the said date or any earlier

date at which the convention set forth in the first schedule to the Sea Fisheries Act, 1868, comes into operation, continue in force so far as regards French sea-fishing boats and persons belonging thereto within the Seas to which the said Convention and Articles set forth in the Schedule thereto apply, so far as those seas are outside the exclusive fishery limits of the British Islands, and are not within the North Sea as defined in the first Schedule to this Act.

25. This Act, so far as it applies to foreign sea-fishing boats outside of the exclusive fishery limits of the British Islands, and persons belonging thereto, and to foreign sea-fishery officers, shall apply only within the North Sea as defined by article four of the first Schedule to this Act, or within the seas specified in any Convention, Treaty, or Arrangement to which this Act may be applied by Order in Council made in pursuance of this Act, and to the boats and officers of a foreign State bound by the Convention in the first schedule to this Act or by any Convention, Treaty, or Arrangement to which this Act may be applied, but save as aforesaid this Act shall apply to the whole of the British Islands as defined by this Act, and to the seas surrounding the same, whether within or without the exclusive fishery limits of the British Islands, and the Royal Courts of Guernsey and Jersey shall register this Act in their respective courts.

SUPPLEMENTAL.

26. Orders in Council made in pursuance of this Act shall be published in the London Gazette, or otherwise published in such manner as the Board of Trade may direct for such sufficient time before they come into force as to prevent inconvenience.

27. The reference in section eighteen of the Sea Fisheries Act, 580 1868, to section two hundred of the Customs Consolidation Act, 1853, shall be construed to refer to section one hundred and seventy of the Customs Consolidation Act, 1876.

28. In this Act,
The expression "sea-fishing" shall not include fishing for salmon as defined by any Act relating to salmon, but save as aforesaid, means the fishing for every description both of fish, and shell-fish, found in the seas to which this act applies; and the expression "Sea fisherman" and other expressions relating to sea-fishing shall be construed accordingly.

The expression "sea-fishing boat" includes every vessel of whatever size, and in whatever way propelled, which is used by any person in sea-fishing, or in carrying on the business of a sea fisherman.

The expression "fishing implement" means any net, line, float, barrel, buoy, or other instrument, engine, or implement used or intended to be used for the purpose of sea fishing:

The expression "British Islands" includes the United Kingdom of Great Britain and Ireland, the Isle of Man, the Islands of Guernsey, Jersey, Alderney, and Sark, and their dependencies:

The expression "exclusive fishery limits of the British Islands" means that portion of the seas surrounding the British Islands within which Her Majesty's subjects have, by international law, the exclusive right of fishing, and where such portion is defined by

the terms of any convention, treaty, or arrangement for the time being in force between Her Majesty and any Foreign State, includes, as regards the sea-fishing boats and officers and subjects of that State, the portion so defined:

The expression "the Admiralty" means the Lord High Admiral for the time being of the United Kingdom of Great Britain and Ireland, or any two or more of the commissioners for executing the office of Lord High Admiral of the United Kingdom:

The expression "Consular officer" includes Consul-General, Consul and Vice-Consul, and any person for the time being discharging the duties of Consul-General, Consul, or Vice-Consul:

The expression "person" includes a body of persons corporate or unincorporate:

The expression "Court" includes any tribunal or magistrate exercising jurisdiction under this Act.

29. This Act shall come into force on such day as may be fixed by a notice in that behalf published in the London Gazette, which day is in this Act referred to as the commencement of this Act.

30. (1.) After the commencement of this Act the Acts specified in the first part of the second Schedule to this Act shall be repealed to the extent specified in the third column of that Schedule.

(2.) After the commencement of this Act, the Acts specified the second part of the second Schedule to this Act shall be repealed to the extent specified in the third column of that Schedule:

Provided that, until the date herein-after mentioned at which such repeal takes full effect, the repeal of the enactments specified in the said second part shall, except within the North Sea as defined by the first Schedule to this Act, be subject to the following limitations:

- (a.) The repeal shall not extend to section twelve of the Sea Fisheries Act, 1868 (which section relates to oyster fishing), nor to the recovery of any penalty for a violation of that section;
- (b.) The repeal shall extend only to officers and boats within the exclusive fishery limits of the British Islands and to British sea-fishing boats when outside the exclusive fishery limits of the British limits;
- (c.) The repeal shall not affect the power of French sea-fishery officers and French Courts over British sea-fishing boats when outside the exclusive fishery limits of the British Islands, or the power of British and French sea-fishery officers and British Courts over French sea-fishing boats brought within the exclusive fishery limits of the British Islands for offences committed outside those limits;
- (d.) The repeal shall not alter the power of receiving as evidence any depositions, minutes, and other documents which by the said Acts are made receivable as evidence;
- (e.) If the Convention set forth in the first Schedule to the Sea fisheries Act, 1868, comes into operation, then, upon notice thereof being given in the London Gazette, the said enactments shall, subject to the provisions of this section, be in force for the purposes of such Convention.

If this Act is applied by Order in Council to French sea-fishery officers and French sea-fishing boats within the seas

to which the Convention set forth in the first Schedule to the Sea Fisheries Act, 1868, applies, the said repeal of the enactments specified in the second part of the second Schedule to this Act shall take full effect as from the date at which such application of this act takes effect.

(3.) The repeal of any enactment by this Act shall not affect anything duly done or suffered, or any liability, penalty, forfeiture, or punishment incurred under any enactment hereby repealed, and any legal proceeding or remedy in respect of such liability, penalty, forfeiture, or punishment may be carried on as if this Act had not passed.

31. So much of this Act as has effect outside of the exclusive fishery limits of the British Islands shall, if the Convention ceases to be binding on Her Majesty, cease to apply to the boats and officers of any Foreign State bound by the Convention; and if the Convention ceases to be binding on any Foreign State shall cease to apply to the boats and officers of such State, but subject as aforesaid this Act shall continue in force notwithstanding the determination of the Convention.

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SCHEDULES.

FIRST SCHEDULE.

International convention for the purpose of regulating the police of the fisheries in the North Sea outside territorial waters.

* * * * *

[See Appendix, Part I, p. 41.]

SECOND SCHEDULE.

Enactments repealed.

A description of citation of an Act in this Schedule is inclusive of the word, section, or other part first and last mentioned, or otherwise referred to as forming the beginning or as forming the end of the portion described in the description or citation.

PART I.—*Enactments wholly repealed.*

Session and chapter.	Title.	Extent of repeal.
6 & 7 Vict. c. 79....	An Act to carry into effect a Convention between Her Majesty and the King of the French concerning the fisheries in the seas between the British Islands and France.	So much of the Schedule thereto as prohibits any French fishing-boat from approaching nearer to any part of the coast of the United Kingdom than the limit of three miles, and so much of the rest of the Act as relates to the portion of the Schedule hereby repealed. Section twenty-five.
31 & 32 Vict. c. 45..	The Sea Fisheries Act, 1868.....	Section fifty-eight, from "in manner directed by law" to "the appeal shall be made," and from "for the county or place" to "costs to be paid by either party." Section seventy-one and the second Schedule.
40 & 41 Vict. c. 42..	The Fisheries (Oyster, Crab, and Lobster) Act, 1877.	Section fifteen.

PART II.—*Enactments repealed provisionally.*

Session and chapter.	Title.	Extent of repeal.
31 & 32 Vict. c. 45..	The Sea Fisheries Act, 1868.....	Sections three and four. Section five, from "the term Consular Officer" to "construed to mean Consular officer." Sections six to sixteen. Sections twenty and twenty-one. Section fifty-nine. Section sixty-one. Section sixty-three, from the beginning of the Section to "the satisfaction of the Court." The first Schedule except Articles four to eight Article thirty-one, and the Declaration and List of Ports annexed to the Convention. Section three.
38 Vict. c. 15.....	An Act to amend the Sea Fish- eries Act, 1868.	

No. 38.—1887, July 12: Order in Council, confirming the Newfoundland Act of February 21, 1887, for the regulation of the Export and sale of Herring, Capelin, Squid, and other Bait Fishes.

At the Court of Windsor, the 12th day of July, 1887.

Present, the Queen's Most Excellent Majesty, Lord President, Earl of Kintore, Earl Brownlow, Sir W. Hart-Dyke, Sir John Cowell.

Whereas the Governor of Her Majesty's Colony of Newfoundland with the Council and Assembly of the said Colony did, in the 582 month of February 1887, pass an Act which has been transmitted entitled as follows; viz., Anno Quinquagesimo Victoriae Reginae, cap. I., An Act to regulate the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes:

And whereas the said Act has been laid before Her Majesty in Council, together with a letter to the Lord President of the Council, from the Right Honourable Sir H. T. Holland, Bart., &c., one of Her Majesty's Principal Secretaries of State, recommending that the said Act should receive Her Majesty's special confirmation.

Her Majesty was thereupon this day pleased, by and with the advice of Her Privy Council, to declare her special confirmation of the said Act, and the same is hereby specially confirmed, ratified, and finally enacted accordingly. Whereof the Governor, Lieutenant-Governor, or Commander-in-Chief for the time being of Her Majesty's colony of Newfoundland, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

C. L. PEEL.

No. 39.—1889, July 26: Extract from British Statute, 52 and 53 Vict., Cap. 23.

An Act to amend the Herring Fishery (Scotland) Acts; and for other purposes relating thereto.

[26th July 1889.]

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, as follows:

* * * * *

5. It shall not be lawful to set or shoot any herring net on any day between sunrise and one hour before sunset on any day between the first day of June and the first day of October, nor between sunrise on Saturday morning and one hour before sunset on Monday evening, on the west coasts of Scotland between the points of Ardnamurchan on the north and the Mull of Galloway on the south.

Any person acting in contravention of this section shall be liable, on conviction under the Summary Jurisdiction (Scotland) Acts, to a fine not exceeding for the first offence five pounds, and for the second or any subsequent offence twenty pounds; and every net set, or attempted to be set, in contravention of this section shall be forfeited, and may be seized and destroyed or otherwise disposed of by any superintendent of the herring fishery or other officer employed in the execution of the Herring Fishery (Scotland) Acts.

6.—(1.) It shall not be lawful to use the method of fishing known as beam trawling or otter trawling within three miles of low-water mark of any part of the coast of Scotland, nor within the waters specified in the schedule hereto annexed, save only between such points on the coast or within such other defined areas as may from time to time be permitted by byelaws of the Fishery Board for Scotland, and subject to any conditions or regulations made by those byelaws. Provided that this section shall not apply to the Solway Firth nor to the Pentland Firth; and provided also, that nothing herein contained shall affect the powers of the Fishery Board under section four of the Sea Fisheries (Scotland) Amendment Act, 1885.

(2.) The Fishery Board may from time to time make, alter, and revoke byelaws for the purposes of this section, but a byelaw shall not be of any validity until it is confirmed by the Secretary for Scotland.

(3.) Any person who uses any method of fishing in contravention of this enactment or of any byelaw of the Fishery Board, shall be liable, on conviction under the Summary Jurisdiction (Scotland) Acts, to a fine not exceeding five pounds for the first offence, and not exceeding twenty pounds for the second or any subsequent offence; and every net set, or attempted to be set, in contravention of this section shall be forfeited, and may be seized and destroyed or otherwise disposed of by any superintendent of the herring fishery or other officers employed in the execution of the Herring Fishery (Scotland) Acts.

7.—(1.) The Fishery Board may, by byelaw or byelaws, direct that the methods of fishing known as beam trawling and otter trawling shall not be used within a line drawn from Duncansby Head, in Caithness, to Rattray Point, in Aberdeenshire, in any area or areas to be defined in such byelaw, and may from time to time make, alter, and revoke byelaws for the purposes of this section, but no such byelaw shall be of any validity until it has been confirmed by the Secretary for Scotland.

(2.) Any person who uses any such method of fishing in contravention of any such byelaw shall be liable, on conviction under the Summary Jurisdiction (Scotland) Acts, to a fine not exceeding five pounds for the first offence, and not exceeding twenty pounds for the second or any subsequent offence; and every net set, or attempted to

be set, in contravention of any such byelaw may be seized and destroyed or otherwise disposed of as in the sixth Section of this Act mentioned.

8. It shall not be lawful to land or to sell in Scotland any fish caught in contravention of this Act, or of any byelaw made thereunder, and all superintendents and other officers employed in the execution of the Herring Fishery (Scotland) Acts are hereby empowered and required to prevent the landing or sale of any fish so caught.

SCHEDULE.

Wigtown Bay, within a line drawn from Great Ross Point, near Little Ross Lighthouse, on the east to Isle of Whithorn on the west.

Luce Bay, within a line drawn from a point near Port William on the east to Killyness Point, near Drummore, on the west.

Loch-in-dail, within a line drawn from Rudha na Cathair (Mull of Oe) on the south to the Rhynns, near Rhynns of Islay Lighthouse, on the north.

Loch Snizort, within a line drawn from Vatternish Point on the west to Dunlea on the east.

Broad Bay, within a line drawn from Tolsta Head on the north to Tiunpan Head on the south.

Stornoway Bay, within a line drawn from Kebock Head on the south to Bayble Head on the north.

Thurso Bay, within a line drawn from Brimsness on the west to Dunnet Head on the east.

Sinclair Bay, within a line drawn from Noss Head on the south to Duncansby Head on the north.

Scapa Bay, within a line drawn from St. Mary's Point on the east to Houton Heads on the west.

St. Magnus Bay, within a line drawn from Esha Ness on the north to a point near Sandness on the south.

The waters inside a line drawn from Corsewall Point, in the county of Wigtown, to the Mull of Cantyre, in the county of Argyll.

The waters inside a line from Port Askadel, near Ardnamurchan Point, on the west to Ru-Cisteach, near Arasaig, on the east.

The waters inside a line from Ru-geur, Slate Point, on the south to a point near Ru-an-dunan on the north.

The waters inside a line from Ru-na-uag, Loch Torridon, on the south to a point at Long Island, Gareloch, on the north.

The waters outside Loch Tarbert, Harris, from Toe Head on the south to Camus-Huisnish on the north.

East and west Loch Roag, from Gallon Head on the west to Coul Point on the east.

The waters inside a line from Greenstone Point on the west to a point near Meal-Sgreaton, Ru-Cooygach, on the east.

The waters inside a line from Ru-Stoer on the west to a point at Scourie Bay on the east.

Dornoch Firth,

Fraserburgh Bay,

Montrose Bay,

Moray Firth (upper parts of),

Aberdeen Bay,

St. Andrew's Bay,

Firth of Forth.

All as specified in the existing bye-laws of the Fishery Board.

No. 40.—1894, August 25: Extract from British Statute, 57 and 58 Vict., Cap. 60.

AN ACT To consolidate Enactments relating to Merchant Shipping.

[25th August, 1894.]

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, as follows:

* * * * *

PART IV.—FISHING BOATS.

APPLICATION OF PART IV, &c.

* * * * *

370. In this part of this Act, unless the context otherwise requires—

The expression "fishing boat" means a vessel of whatever size, and in whatever way propelled, which is for the time being employed in sea fishing or in the sea-fishing service, but save as otherwise expressly provided, that expression shall not include a vessel used for catching fish otherwise than for profit.

* * * * *

FISHING BOATS REGISTER.

373.—(1.) This section shall apply to the British Islands, and to all British fishing boats, including those used otherwise than for profit, and the expression "fishing boat" in this section shall be construed accordingly.

584 (2.) Subject to any exemptions made by the regulations under this section, every fishing boat shall be lettered and numbered and have official papers, and shall for that purpose be entered in the fishing boat register.

(3.) If a fishing boat required to be so entered is not so entered, she shall not be entitled to any of the privileges or advantages of a British fishing boat, but all obligations, liabilities, and penalties with reference to that boat, and the punishment of offences committed on board her, or by any persons belonging to her, and the jurisdiction of officers and courts, shall be the same as if the boat were actually so entered.

(4.) If a fishing boat required to be entered in the fishing boat register is not so entered, and is used as a fishing boat, the owner and skipper of such boat shall each be liable, for each offence, to a fine not exceeding twenty pounds, and the boat may be detained.

(5.) Her Majesty, by Order in Council, may make regulations for carrying into effect and enforcing the entry of fishing boats in the fishing boat register, and any convention with a foreign country relative to the registry, lettering, and numbering of fishing boats, which is for the time being in force by virtue of any statute, and may by such regulations—

(a) adopt any existing system of registry or lettering and numbering of boats, and provide for bringing any such system into con-

formity with the requirements of this Act and of any such convention, and the regulations; and

(b) define the boats or classes of boats to which the regulations or any of them are to apply, and provide for the exemption of any boats or classes of boats from the provisions of this section, and from the regulations or any of them; and

(c) apply to the entry of fishing boats in the fishing boat registry, and all matters incidental thereto, such (if any) of the enactments contained in this or any other Act relating to the registry of British ships, and with such modifications and alterations as may be found desirable; and

(d) impose fines not exceeding twenty pounds for the breach of any such regulations which cannot be punished by the application of any of those enactments.

* * * * *

No. 41.—1900, May: *British Notification of the Danish Law of April 7, 1900, respecting Illegal Trawling in Territorial Waters.*

SEA FISHERIES—TERRITORIAL WATERS OF DENMARK.

Notice is hereby given to British fishermen that a new Law has come into force in Denmark by which the penalty for illegal trawling in the territorial waters of that country has been increased.

Translation of the Law is printed overleaf.

It should be borne in mind that as regards the Danish Coast bordering on the North Sea, south of Hanstholm Lighthouse, Arts. II and III of the North Sea Fisheries Convention, 1882, to which Denmark is a party, apply.

These Articles are as follows:—

ART. II. The fishermen of each country shall enjoy the exclusive right of fishery within the distance of three miles from low-water mark along the whole extent of the coasts of their respective countries, as well as of the dependent islands and banks.

As regards bays, the distance of three miles shall be measured from a straight line drawn across the bay, in the part nearest the entrance, at the first point where the width does not exceed ten miles.

The present Article shall not in any way prejudice the freedom of navigation and anchorage in territorial waters accorded to fishing boats, provided they conform to the special police regulations enacted by the Powers to whom the shore belongs.

ART. III. The miles mentioned in the preceding Article are geographical miles, whereof 60 make a degree of latitude.

T. H. W. PELHAM,
Assistant Secretary.

FISHERIES AND HARBOUR DEPARTMENT, BOARD OF TRADE,
May 1900.

[On the back.]

[Translation.]

Law concerning an increase of the punishment fixed by the Law No. 56 of April 5th, 1888, § 58, as far as illegal trawl fishery is concerned.

Illegal fishery by means of trawl, in Danish territorial waters (see Law No. 56 of April 5th, 1888, § 1, No. 2), is to be punished with fines of from 500 to 4,000 Crowns, payable to the Treasury.

585 In fixing the punishment regard is to be had to whether illegal fishery has been carried out by means of steam, which is to constitute an aggravating circumstance. The illegal fishing instruments, including the hawser which has been used for the illegal fishery, as well as the captured fish on board, are to be forfeited to the Treasury. The vessel may be laid under embargo, in accordance with an eventual decree to that effect, and sold to cover fines and costs.

This Law is to take effect immediately.

Confirmed April 7th, 1900.

586

CANADA AND CANADIAN PROVINCES.

No. 42.—1665, March 1: *Proclamation of Thomas Temple as Governor of Nova Scotia.*

Whereas our Most Gracious and Dread Sovereign, Charles the Second, by the grace of God, King of England, Scotland, France, and Ireland, and the dominions thereunto belonging, Defender of the Faith &c.: hath, by his Letters Patent, and Commission, under the Great Seal of England, in the fourteenth year of his reign, constituted and appointed me Thomas Temple, Knight and Baronet, to be his Lieutenant, and Governor of the country of Nova Scotia, and Acadia, and Admiral under His Highness the Duke of York, of all the harbours and seas thereunto belonging:

Now therefore, to the end the Gospel of Jesus Christ may be propagated amongst the natives; His Majesty's interest in these parts secured; and for the encouraging, and promoting of trade, and protecting His Majesty's subjects in their just rights. I have thought meet to publish and declare; and do hereby in His Majesty's name will, and require, that all persons whatsoever that shall come into, or inhabit in, these parts of Nova Scotia or L'Acady etc. aforesaid, shall observe and give due obedience to all laws, acts, statutes made, and standing in force for the government of His Majesty's subjects in his Kingdom of England, upon pain of their suffering the penalties thereby appointed to the breakers thereof. And further being authorised, and commanded to make such other acts, and orders as shall from time to time be found requisite and necessary, for the better regulating and carrying an end of planting, fishing trading, &c. in these parts, and finding the great prejudice, and damage which is like to ensue in defect hereof, do also by virtue of the authority given me as aforesaid make, appoint, publish, and declare these ensuing orders to be observed throughout this country of Nova Scotia, and L'Acady and the harbours and seas thereunto belonging.

It is therefore hereby ordered and enacted, that if any person or persons, shall presume to come into any part of this jurisdiction, and *plant, build, fish or trade* without licence first had, and obtained from the *Governor* or his *Deputy*, shall forfeit such ship, or vessel which they shall so come in, and all such goods as shall be found on board the said ship, or vessel, or undergo such other punishment as the *Governor*, or his *Council*, shall see cause to inflict, And all such as have, or hereafter may obtain licence shall duly observe all such laws, and orders which are now made and published, or hereafter shall be made and published in this jurisdiction.

And seeing the glory of God, and our eternal good, are the great concernments of our life, and chiefly to be attended. It is therefore firstly ordered, and be it hereby enacted, that all persons shall duly observe the Lords day: nor shall any take liberty by fishing, or working about their fish, (unless in case of absolute necessity) nor by sporting, or drinking to profane the same, on penalty of twenty shillings for every such default.

* * * * *

Whereas experience by sad effects, hath taught that coasting vessels have greatly hindered, and many times overthrown the trade, and employment of fishing where they come; it is ordered, that no barque, ketch, or other vessel from New-England, shall come into this jurisdiction, and bring any liquors, goods and merchandise, and trade the same, only such as have licence to furnish such fishing-boats as they undertake to supply with salt, provisions, and fishing craft: and also that they that are so licenced do not coast from harbour to harbour, and trade and barter with any save only those boats which they supply as abovesaid; neither shall any such barques or vessels, commit any goods to any others to trade for them, upon what pretence soever, on penalty of paying the treble value of all such goods, liquors, &c. so traded.

* * * * *

It is ordered, that all inhabitants and fishermen, that have continued two months in this jurisdiction, shall not depart the same without licence, first had from the *Governor, Deputy Governor, or some of his Assistants*; and if any ship, or vessel shall carry them away without such licence, they shall pay all such debts as the said persons did owe to any in this jurisdiction, or to any else where that were their present suppliers.

It is ordered, that all persons licenced to fish in this jurisdiction, being settled in any free place, to make his voyage, he shall not be disturbed, nor interrupted, or if any do disturb any so settled, they shall pay double damages occasioned by the disturbers. Always provided, that if there be conveniences adjoining to the place of any so settled, others may take up such accommodation, by them without breach of this order.

It is ordered, that all fishermen and others within this jurisdiction, shall labour and endeavour the preserving of the fish and the banks; in order thereunto, none shall take fish at the time they come to spawn: nor shall any spilt fish on the fishing ground, and if any so do, and throw overboard the heads and bones, &c. he or they shall pay for every such offence fifty pounds.

It is ordered, that no person being upon making of dry fish
587 shall save the said fish with pickle: and if any so do, all such

fish shall be forfeit, and seized for the relief of the poor in this jurisdiction.

* * * * *

It is ordered, that no person or persons, shall entertain or employ any man whom he knows to be engaged in service to another (except the first release him) upon penalty of paying double damages that do arise thereby.

* * * * *

It is ordered, that no fisherman, or company of fishermen shall pay or deliver fish unto any other but to their suppliers, or their order, until he or they have first paid for boat-hire, provisions, salt, and craft, and what else he is engaged to do (except he or they have otherwise contracted) upon penalty of paying double damages unto his or their suppliers.

* * * * *

It is further ordered, that all those that have licences, shall renew them once every year.

By the governor the first of March in the seventeenth year of His Majesty's reign.

No. 43.—1759: *Statute of Nova Scotia, 33 Geo. II, Cap. 2.*

An Act for Regulating and Maintaining a Light-House on Sambro Island.

WHEREAS by an Act of the General Assembly of this province, entitled, An Act for erecting a Light-House at the entrance of the harbour of Halifax, made and passed at their Session begun and holden at Halifax, the second day of October, 1758, the sum of One Thousand Pounds out of the monies then in the treasury of the Province, collected from the duties on spirituous liquors, was appropriated for the erecting a Light-house on the island commonly called and known by the name of Sambro Outer Island, at the entrance of the harbour of Halifax; and it was enacted, that until such Light-House should be erected, the commissioners appointed for carrying the said Act into execution should cause a beacon and light to be placed on the said Island for the benefit of vessels coming into the said harbour:

Be it enacted by His Excellency the Governor, Council, and Assembly, and by the authority of the same it is hereby enacted, That from and after the first day of September next, there shall be paid by the master of every merchant vessel coming into or going out of the harbour of Halifax, at her going out of the said harbour, (other than coasters and fishing vessels, and such transport or other vessels employed in His Majesty's service, as shall, by their charter party, be exempted from paying port charges) a duty of six pence per ton currency, for so many tons as shall appear to the satisfaction of the receiver, or by the oath of the master, (which oath the said receiver, is hereby authorized to administer) to be the real burthen thereof.

II. *Provided*, That all ships or vessels wholly belonging to any person, that is a freeholder and inhabitant in this province, shall only pay four-pence per ton: the said duty to be paid before clearing the said vessel, to such person or persons as shall hereafter be ap-

pointed by His Excellency the Governor for that purpose; who are hereby authorized to demand and receive the same, and upon refusal of payment, to sue for and recover the said duty before two of His Majesty's Justices of the Peace, or in case the sum shall not exceed forty shillings, before one justice.

III. *And be it further enacted*, That no vessel shall be deemed a fishing vessel, within the meaning of this Act, excepting such as shall be wholly employed in that business, nor shall any vessel be deemed a coaster, excepting such as shall be wholly employed within the province.

IV. *And be it hereby further enacted*, That every coasting vessel shall pay, in lieu of the said duty, at the rate of twenty shillings per annum, and no more, to be received and recovered in manner as aforesaid.

V. *And be it further enacted*, That all monies arising by the aforesaid duty, shall be paid into the treasury of the Province, and be applied towards the support of the said Light-House; to be issued for the said purpose, by warrant under the hand and seal of the Governor or Commander in Chief for the time being of the Province; and in case there be more monies raised than is necessary for the support of the said Light-House, the surplusage to be applied to the uses of the Government.

No. 44.—1770: *Statute of Nova Scotia, 10 Geo. III, Cap. 10.*

An Act for the benefit of the Fishery on the Coasts of this Province.

Whereas it is apprehended that the frequent scarcity of fish on the banks near the shores of this province, may be occasioned by fishermen throwing into the sea the offal of the fish they kill; for remedy whereof,

I. *Be it enacted by the Governor, Council, and Assembly*, That from and after the publication hereof, if any fishermen in any vessel, bark or boat, shall presume to throw into the sea within three 588 leagues of any of the shores of this province, any heads, bones, or other offal of the fish they may take, the master of such fishing vessel, bark, or boat, shall, upon due conviction thereof, by the oath of one credible witness, before any one of His Majesty's Justices of the Peace, or by the view of the said Justice, pay for each and every such offence the sum of five pounds.

II. *And be it further enacted*, That all penalties incurred and arising by this Act, shall be applied, one moiety to the person who shall inform and sue for the same, the other moiety to be paid into His Majesty's Treasury for the use of the province, the same to be levied by distress and sale of the offender's goods and chattels, together with the charges of such distress and sale, rendering the overplus (if any be) to the owner or owners thereof.

III. *Provided nevertheless*, That nothing in this Act shall extend to the debarring any fishermen in boats, who split and dress their fish on shore, from throwing the offal of their fish into what is called the land-wash.

No. 45.—1785: *Extract from Statute of Prince Edward Island, 25 Geo. III, Cap. 4.*

An Act to amend, render more effectual, and to reduce into one Act, the several Laws made by the General Assembly of this Island, relative to the duties of impost on wines, rum, brandy and other distilled spirituous liquors; and for allowing a drawback upon all wines, rum, brandy, and other distilled spirituous liquors exported from this Island.

Be it enacted by the Lieutenant Governor, Council, and Assembly, That from and after the publication hereof, there shall be raised, levied, collected, and paid unto His Majesty, his heirs, and successors, to and for the public uses of this Island, and towards the support of his Government therein, by the importers of all wines, rum, brandy, and other distilled spirituous liquors which shall or may be imported, or by any ways or means brought into this island, the several rates and duties as follows, *viz.* for every gallon of wine, the sum of *six-pence*, as also for every gallon of rum, brandy, or other distilled spirituous liquors, in lieu of all former duties, the said sum of *six pence*.

II. *And be it further enacted,* That all the rates, duties and imposts before mentioned, shall be paid in lawful money of this island (being at the rate of five shillings per Spanish milled dollar) by the importer or importers of any such wine, rum, brandy, or other distilled spirituous liquors unto the collector and receiver, or collectors and receivers for the time being, appointed for entering and receiving the same, at or before the landing thereof: *Provided nevertheless,* that when the duty to be paid by any importer or importers of such wine, rum, brandy, or other distilled spirituous liquors, shall amount to a sum exceeding *ten pounds*, and not more than *fifty pounds*, the said collector and receiver, or collectors and receivers of the said duties, is or are hereby authorised to give credit for the payment thereof for the space of *three months*. And in like manner, if the said duties shall exceed the sum of *fifty pounds*, and not amount to more than the sum of *one hundred pounds*, the said collector and receiver, or collectors and receivers, is or are hereby authorised to give credit for payment thereof for the space of *six months*: and if the said duties shall exceed the sum of *one hundred pounds*, then he or they are hereby further authorised to give credit for the payment thereof for the space of *nine months*.

III. *Provided always,* That sufficient security be given for the payment of the said duties within the said several times so as aforesaid limited for the payment thereof.

IV. *And be it further enacted,* That all masters of ships, coasting, fishing, and all other vessels whatever, coming into any harbour, port, river, creek, or on any part of the coasts of this island, and its dependencies, shall before breaking bulk, and within *twenty-four hours* after his or their arrival, make report, in writing, and upon oath, to the collector and receiver, or collectors and receivers of the duties for the time being, of all wine, rum, brandy, or other distilled spirituous liquors, on board the said ship or vessel, specifying therein the kinds of casks or other vessels in which the same shall be contained, together with the marks and numbers thereof, and that they have not landed or suffered to be landed, sold, bartered, or exchanged,

any wine, rum, brandy, or other distilled spirituous liquors, at any port or place within this island, or on the coasts thereof, since their sailing from the port or place where the same were laden on board the said ship or vessel for exportation: which oath the said collector and receiver, or collectors and receivers, is or are hereby empowered to administer in the form following, *viz.*

You A. B. do swear, that the report which you have now made, read, and subscribed, contains a just and true account of all the wine, rum, brandy, and other distilled spirituous liquors, laden on board the at and that you have not landed, nor suffered to be landed, sold or delivered, bartered or exchanged, any wine, rum, brandy or other distilled spirituous liquors, at any port or place within this island, or on the coasts thereof, since your sailing from

V. *And be it further enacted,* That if any wine, rum, brandy or other distilled spirituous liquors (not being duly entered) be found on board any such ship or vessel, after such entry made, the same is hereby declared forfeited and lost, and shall or may be seized by the collector and receiver, or collectors and receivers, or either of them, or by any of the land-waiters, or gaugers, as forfeited property.

VI. *And be it further enacted,* That no post entry of any wine, rum, brandy, or other distilled spirituous liquors, shall be permitted to be made by such collector and receiver, or collectors and receivers of the said duties, by any person whatever, except by the master of such ship or vessel, and that within twenty-four hours after the same shall have arrived.

589 VII. *And be it further enacted,* That upon information made to the said collector and receiver, or collectors and receivers, or to any or either of them, that any wine, rum, brandy, or other distilled spirituous liquors, do still remain on board any ship or vessel (the same not having been duly entered) it shall and may be lawful for the said collector and receiver, or collectors and receivers, or any or either of them, or for any or either of the said land-waiters or gaugers by their orders, to enter on board such ships or vessels, and there to search for, and seize as forfeit, all such wine, rum, brandy, and other distilled spirituous liquors, so remaining on board the same, and not being duly entered as aforesaid.

VIII. *And be it further enacted,* That if any wine, rum, brandy, or other distilled spirituous liquors, shall be landed from on board such ship or vessel, after report shall have been made, other than such as shall have been specified and contained in such report or manifest so as aforesaid directed by this Act to be made; then, and in such case, all such wine, rum, brandy, or other distilled spirituous liquors, or the value thereof (the same to be estimated at the highest price such commodities shall or may respectively then bear) shall be, and the same are hereby declared to be forfeited, and shall and may be seized by any or either of the said collectors and receivers of the duties for the time being, or by any or either of the said land-waiters or gaugers. And if such wine, rum, brandy, or other distilled spirituous liquors, shall be concealed or stove, so as that seizure cannot be made of the same, then the master of such ship or vessel, or the owner or owners thereof, or the receiver or receivers of such articles so concealed [or] stove, shall, on being duly convicted therefore, pay the value therof according to the aforesaid estimate.

IX. *And be it further enacted,* That if any wine, rum, brandy, or other distilled spirituous liquors, shall be found on board any ship

or vessel, which shall not have been duly entered, or which shall be proved to have been landed, sold, delivered, bartered, or exchanged [exchanged] contrary to the true intent and meaning of this Act; or if any master of such ship or vessel shall refuse or neglect to conform strictly to the directions prescribed in and by this Act; in either of such cases he shall, on conviction thereof by the oath of one credible witness forfeit and pay a fine not exceeding *one hundred pounds*.

X. *And be it further enacted*, That if any wine, rum, brandy, or other distilled spirituous liquors, shall be landed from on board any ship or vessel, contrary to the rules prescribed in and by this Act, and found in the custody, possession, care or keeping, of any person or persons whatever on shore, (not having a permit therefore) the same shall be forfeited, and the person or persons with whom the same shall or may be found, shall forfeit the sum of *fifty pounds*, unless he, she, or they shall be able to prove the same to have been legally entered and landed.

XI. *And be it further enacted*, That if any person or persons whatsoever shall knowingly be aiding or assisting [*Qy. assisting*] in the clandestine landing or concealing any wine, rum brandy, or other distilled spirituous liquors, in order to avoid payment of the duties to which the same are made liable by this Act, he, she, or they, shall, upon conviction thereof, by the oath of one or more credible witness, forfeit and pay the sum of *fifty pounds*, or suffer *six months* imprisonment, without bail or mainprize.

XII. *And be it further enacted*, That no wine, rum, brandy, or other distilled spirituous liquors, which by this act are made liable to a duty, shall be landed or delivered from on board any ship or vessel, or afterwards put into any ware-house, or other place, (except in the day-time, that is to say, after sun-rise and before sun-set of the same day) unless the same be done in the presence and with the consent of the said collector and receiver, or collectors and receivers, for the time being, on pain of forfeiting all such liquors, and all and singular the lighters, boats, or other vessels which shall or may be employed in landing the same, together with the trucks, carts, and horses which may be employed in conveying the same away.

XIII. *And be it further enacted*, That the master of any ship or vessel importing any wine, rum, brandy, or other distilled spirituous liquors as aforesaid, shall be, and he is hereby made liable to pay the duties for so much thereof as may be contained in his said report, not being duly entered, nor the said duties paid by the person or persons to whom such wine, rum, brandy, or other distilled spirituous liquors are or shall be consigned. And it shall and may be lawful to and for the master of any ship or vessel to detain in his hands and possession, or to deliver to the said collector and receiver, or collectors and receivers, for the security of such duties, all such wine, rum, brandy, or other distilled spirituous liquors, as shall not have been duly entered. Which said collector and receiver, or collectors and receivers, or any or either of them, is or are hereby empowered and directed to receive and keep the same, at the owner's risk, until the duties due thereon, with the charges, have been paid. And if the duties due and payable on such wine, rum, brandy, or other distilled spirituous liquors, shall not be paid, or secured to be paid, by the owner or owners thereof, within the space of *three months*, then,

and in such case, the said collector and receiver, or collectors and receivers, is or are hereby empowered to sell and dispose of so much thereof, as shall be sufficient to pay the duties due thereon, and also the freight, charge of custody, and sale thereof.

XIV. *And be it further enacted*, That in case any master of any ship or vessel shall be prosecuted for a violation of this act, such ship or vessel in which the said wine, rum, brandy or other distilled spirituous liquors may have been imported, shall be subject and liable to be attached to answer the final judgment which shall or may be given in consequence of such prosecution, unless the said master shall and do enter into recognizance, with sufficient sureties, to answer such final judgment.

And whereas doubts have arisen, whether wine, rum, brandy, or other distilled spirituous liquors, brought into this island by persons for the consumption of the inhabitants thereof, and not for sale, are or ought of right to be liable to the rates, duties, and impost, which are by law payable on other wine, rum, brandy, or other distilled spirituous liquors imported or brought into this island :

XV. *Be it therefore further enacted*, That all and every person or persons bringing, or causing to be brought into this island any wine, rum, brandy, or other distilled spirituous liquors, for their 590 own consumption, shall, from and after the publication hereof, render a just and true account or manifest of the same to the said collector and receiver, or collectors and receivers, in such manner, and within such time, as are prescribed by this Act on entries made in other cases; and also pay or secure to be paid, the same rates, duties and impost, imposed or laid by this act on other wine, rum, brandy, and other distilled spirituous liquors; and on failure thereof, they are hereby subjected to the like penalties and forfeitures as are inflicted on other breaches or violations of this Act.

XVI. *And be it further enacted*, That it shall or may be in the power of the Governor, Lieutenant Governor or Commander in Chief for the time being, with the advice of his Majesty's Council, to appoint a proper person to be collector and receiver of the several rates, duties, and the impost herein before mentioned, for the port of Charlotte-Town, and for every other port in this island where he and they shall or may think expedient or necessary for the effectual carrying into execution this Act: Each and every of which person or persons, appointed as aforesaid, is or are to give approved security payable to his Majesty, his heirs, and successors, in such amount as he and they shall, from time to time, judge sufficient to effect the faithful discharge of the trust reposed in such persons: also in like manner to appoint Surveyors or land waiters for the said Port of Charlotte-Town, and such other ports as may by him and them be judged necessary for the purposes aforesaid: And in the presence of some one of them or in the presence of the collector and receiver, or collectors and receivers aforesaid, or any or either of them, all wine, rum, brandy, or other distilled spirituous liquors shall be landed at the said several ports and be duly gauged at the time the same shall have been so landed in manner as is herein before prescribed. And all wine, rum, brandy, or other distilled spirituous liquors, which shall or may be landed in this island, contrary to the intent and meaning of this act shall be forfeited, and shall and may be seized and prosecuted by such

collector and receiver, or collectors and receivers, or any or either of them, as by any or either of the said surveyors or land-waiters.

XVII. *And be it further enacted*, That in case any wine, rum, brandy, or other distilled spirituous liquors, shall be landed in any Port or other parts of this Island, without being regularly entered, and the duties paid thereon as above directed, and the importer or importers of the same shall have quitted the island before the Collector and Receiver of the said rates, duties, and impost, shall have had notice thereof; then, and in such case, the purchaser or purchasers thereof shall be liable to the payment of the duties due and payable thereon, and of a further sum (being equal to the amount of the said duties) as a penalty for purchasing the same before entry, with an intent to elude the payment of the said duties.

XVIII. *And be it further enacted*, That all agents, or other persons concerned for vessels taken as prizes, or for vessels seized for illegal importation, shall immediately, on their arrival, deliver to the said collectors and receivers respectively, a true account, upon oath, of the contents of the cargo so taken or seized, (the same being liable to the duties imposed by law in this island) and delivered into their care: and if the true contents of the said cargo shall or may be then unknown to such Agent or Agents, or other persons or persons concerned as aforesaid, then, and in such case, he or they shall respectively make oath to render a true and faithful [faithful] account of the said cargo when the same shall have come to his or their knowledge, so that the duties due thereon may be accurately ascertained, under the penalty of forfeiting one hundred pounds for each and every offence.

XIX. *And be it further enacted*, That all wine, rum, brandy, and other distilled spirituous liquors, which shall or may be brought into any port or place in or belonging to this island, as prize, or which shall or may be condemned therein as such, at any time from and after the publication hereof, shall be subject to all and singular the several rates, duties, and the impost imposed or laid by this act. And the marshal of the *Court of Vice Admiralty*, or his deputies, as well as all auctioneers or vendue masters in this island, is and are hereby directed not to deliver any such wine, rum, brandy, or other distilled spirituous liquors, which may have been sold by him, or them respectively, at public auction, or otherwise, to the purchaser or purchasers thereof, without a permit first had and obtained therefore from the said Collector and receiver, or collectors and receivers, and before he or they shall have rendered a true and perfect account to such officer or officers, or some one of them upon oath, of the quantity of all such wine, rum, brandy, or other distilled spirituous liquors, which he, or they shall or may have sold, and of the names of the persons to whom the same were so sold, under the penalty of forfeiting the sum of two hundred pounds for each and every offence.

XX. *And be it further enacted*, That from and after the publication hereof, there shall be allowed on all wine, rum, brandy, or other distilled spirituous liquors, which shall have been already imported, or which shall or may in future be imported into this island, on exportation of the same therefrom, a draw-back of four pence per

gallon out of the whole duty paid, or secured to be paid thereon, on importation thereof.

XXI. *And be it further enacted,* That the drawback on all such wines, rum, brandy, or other distilled spirituous liquors so exported, shall be paid to the exporters thereof, within one month next after the same shall have been exported: that is to say, if the said duties have been, prior thereto *bona fide* paid; but if not, then the security given for the same shall be returned, or credit given on the back thereof for the quantity so exported. And the said exporters are also severally to give bond, with one sufficient surety, to the Treasurer of this Island, in double the amount of the drawback so claimed, conditioned to deliver, within *eighteen months* after the time of such exportation, (the dangers of the seas and enemies only excepted) a certificate from the principal officer of his Majesty's Customs of the Port to which the same shall or may be carried, or from some other officer there duly authorised thereto, expressing such goods to have been actually landed, together with a further certificate from the said collector and receiver, or collectors and receivers, or either of them, that the duties due and payable thereon have been truly paid, or secured to be paid, before such exportation agreeable to the rates prescribed and charged in and by this Act. And the said collector and receiver, or collectors and receivers, or either of them, are hereby permitted to take such certificates in payment of any duties to be paid by the importers of any of the said liquors. And for the better and more effectually preventing frauds herein, the following oath shall be taken for the future, by all exporters of such liquors (and which oath the said collector and receiver, or collectors and receivers, are hereby respectively required to administer) in the presence of the Master of the ship or vessel on board of which the same shall or may be taken to the end that such master may not pretend to be ignorant of any part of his duty, as directed and prescribed in and by this Act, *viz.*

*YOU A. B. do swear, that the quantity of by you shipped for exportation
on board the Master, bound for was bona fide imported in the
Master, since the day of , and that the duties for the same have been
paid, or secured to be paid, as by law is required, and that the same is not in-
tended to be fraudulently re-landed in or at any Port or place within this Island,
or any of the territories thereunto belonging.*

XXII. *And be it further enacted,* That if any wine, rum, brandy, or other distilled spirituous liquors, shall be fraudulently re-landed in or at any Port or place in this Island, after the same shall have been shipped for exportation, the same shall be forfeited, together with the ship or vessel out of which such liquors shall have been so fraudulently re-landed.

XXIII. *And be it further enacted,* That no Naval Officer at any of the ports in this island, shall give clearances or papers to the Master of any ship or vessel outward bound, until he shall be certified by the said Collector and Receiver, or Collectors and Receivers, or either of them, that the said Master has complied with the directions contained in this Act.



No. 46.—1786: Extract from Statute of Nova Scotia, 26 Geo. III, Cap. 7.

An Act in addition to, and amendment of, an Act, made in the third year of the reign of His Present Majesty, entitled, an Act to prevent nuisances, by hedges, weirs, and other encumbrances, obstructing the passage of fish in the rivers in this province.

* * * * *

And whereas it is also highly necessary for the preservation of several kinds or species of fish, whose course has been greatly obstructed or diverted of late in divers parts of this Province, by the injudicious placing of seines and nets, in certain havens, creeks and harbours therein, to the manifest injury of individuals, and of the community at large; for remedy whereof:

IX. *Be it further enacted, by the authority aforesaid, That it shall and may be lawful for three or more Justices of the several Counties throughout the Province, and they are hereby directed to hold a Special Session in their respective Counties or Districts, as soon as may be, for the purpose of regulating the manner of placing nets and seines in all such havens, rivers, creeks and harbours, therein, as they shall or may judge necessary to prevent the aforesaid evil, and under such forfeitures and penalties, as are expressed in the herein before recited Act, made in the third Year of His Majesty's reign. And all persons violating such orders, rules or regulations, as the said Justices may from time to time make in their respective Counties, touching the premises, shall be subject or liable to the same pains, penalties, forfeitures, as persons are subject or liable to, who violate or disobey the several rules, orders or regulations, that the Justices in their said first General Quarter Sessions, to be holden annually, are empowered to make, by virtue of the said recited Act; and this Act is to continue, and be in force, from the publication thereof, until the end of the year of our Lord one thousand seven hundred and eighty seven.*

No. 47.—1787: Statute of Nova Scotia, 28 Geo. III, Cap. 3.

An Act for regulating and maintaining a Light-House at the entrance of the Harbour of Shelburne.

Whereas it is necessary for the safety of the navigation of this Province, that there be a Light House erected on the Island, commonly called M'Nutt's Island, at the entrance of the Harbour of Shelburne, for the maintenance whereof:

I. *Be it enacted, by the Lieutenant Governor, Council, and Assembly, That from and after the first day of January, which will be in the year of our Lord one thousand seven hundred and eighty eight, there shall be paid by the master of every merchant vessel coming into or going out of the said harbour (other than coasters and fishing vessels belonging to the Province, and such transports or other vessels employed in His Majesty's service, as shall by their charter party be exempted from paying port charges) a duty of four pence per ton currency, for so many tons as shall appear by her register or otherwise. Provided, That all ships or vessels wholly*

belonging to any person that is a freeholder and inhabitant in this Province, shall only pay three pence per ton, the said duty to 592 be paid before clearing the said vessel, to such person or persons, as shall hereafter be appointed, by His Excellency the Lieutenant-Governor, for that purpose, who are hereby authorised to demand and receive the same, and upon refusal of payment, to sue for, and recover the said duty, before two of His Majesty's Justices of the Peace, or in case the same shall not exceed forty shillings, before one Justice.

II. And be it further enacted, That no vessel shall be deemed a fishing vessel within the meaning of this Act, excepting such as shall be wholly employed in that business, nor shall any vessel be deemed a coaster excepting such as shall be wholly employed within the Province.

III. And be it further enacted, That every coasting vessel shall pay in lieu of the said duty at the rate of twenty shillings per annum, and one shilling for every ton they may measure above twenty tons, and no more, to be received and recovered in manner as aforesaid.

IV. And be it further enacted, That all monies arising by the aforesaid duty, shall be paid into the treasury of the Province, and be applied towards the support of the said light-house, to be issued for the said purpose, by warrant under the hand and seal of the Lieutenant-Governor, or Commander in Chief for the time being, of the Province, and in case there be more monies than is necessary for the support of the said light-house, the surplus to be applied to the uses of the Government.

No. 48.—1788: *Extract from Statute of Lower Canada, 28 Geo. III, Cap. 6.*

An Act or Ordinance, For regulating the Fisheries in the River St. Lawrence, in the Bays of Gaspé and Chaleurs, on the Island of Bonaventure, and the opposite shore of Percé.

Whereas the Fisheries have ever been found beneficial to the trade of the mother-country, and as several large vessels have been yearly fitted out and equipped therefrom to carry on the cod-fishery in the Bay of Gaspé, at the island of Bonaventure, at Percé, and in the Bay of Chaleurs in this Province, in order to encourage that valuable branch of trade, it is enacted by His Excellency the Governor and the Legislative Council, that all his Majesty's subjects shall peaceably have, use and enjoy the freedom of taking bait, and of fishing in any river, creek, harbour or road, with liberty to go on shore on any part between Cape Cat on the South-side of the River St. Lawrence, and the first Rapid in the River of Ristigouche, above the Islands that lie higher up than the New Mission in the said River, which empties itself into Chaleurs Bay within this Province, and on the Island of Bonaventure, for the purpose of salting, drying and curing their fish, and they may cut down wood and trees there, for building, making, mending, or repairing stages, flakes, hurdles, huts or cook-rooms, and other things that may be necessary for curing and preparing their fish for exportation, and all other things that may be useful to their

fishing-trade, without any hindrance or interruption, denial or disturbance from any person or persons whatsoever.

II. And be it further enacted by the authority aforesaid, that the commander of every ship, or vessel fitted out from Great-Britain or the dominions thereunto belonging, and entering into any creek or harbour, may reserve to himself so much beach or flakes, or both, as are needful for the number of boats he shall there use, provided they are unoccupied by any other person, or are not in this and the preceding cases private property by grant from his Majesty, or by grant before the year one thousand seven hundred and sixty.

III. And be it further enacted by the authority aforesaid, that no person or persons shall after the publication of this ordinance, rind any trees standing or growing on the said beach reserved for the use of the fishery, nor in the woods adjacent, nor set fire to the woods, or do or cause to be done any damage to the same, for any use whatsoever, except only for necessary fuel, and for building and repairing huts, stages, flakes and other things necessary for carrying on their fishery; and no person or persons whatsoever, shall cast anchor or do any thing to annoy or hinder the hauling of seines in the accustomary baiting places, or in places where salmon are or may be caught, or shoot, his, her or their seine or seines within or upon the seine or seines of any other person whatsoever; and also, that no person or persons shall steal, purloin or take out of the net or nets of any other person, nor steal, purloin or take away any bait out of any fishing-boat, or steal salmon out of any net belonging to any other person, under the penalty of five pounds.

IV. And be it further enacted, that no ballast or any thing else hurtful to any of the harbours in the extend of coast mentioned in this ordinance, shall be thrown out of any vessel or otherwise by any person whatsoever, but that all ballast or other things shall be carried on shore, and laid where they may do no annoyance, under the penalty of five pounds. And no fisherman or other person shall throw any fish-guts, offals or gurry overboard out of any vessel or boat within the distance of two leagues of the shore of Inlands [islands] within this Province, under the penalty of five pounds.

V. And be it further enacted, that in case any difference or controversy shall arise between the masters of fishing ships, shalloops, boats, or other vessels for and con-concerning [*Sic.*] the right and property of fishing rooms, stages, flakes, or any other conveniency or building, for carrying on their fishery, or for curing their fish between Cape Cat and the Rapids in the River of Ristigouche aforesaid, in the Bay of Chaleurs, at Percé and on the Island of Bonaventure as aforesaid the said differences, disputes and controversies, shall be heard, adjudged and determined by any two of his Majesty's Justices of the Peace in the district, and in case any of the parties shall think

himself aggrieved by such determination or judgment, an appeal shall lie before the Lieutenant-governor of the district, or Judge of the Common Pleas for the same, as may be most convenient for the person appealing from the said judgment, who are hereby authorised finally to determine the same; provided the effects, rights or property so decided, does not exceed the value of fifty pounds sterling, in which case, an appeal from the judgment of the said Lieutenant-governor or Judge of Common Pleas may be had to his Majesty's Court of Appeal for the Province.

Enacted and Ordained by the authority aforesaid, and passed in Council under the Great Seal of the Province, at the council chamber in the castle of Saint Lewis, in the city of Quebec, the thirtieth day of April, in the twenty-eighth year of the reign of our Sovereign Lord GEORGE the Third, by the grace of God of Great-Britain, France and Ireland King, defender of the faith, and so forth; and in the year of our LORD one thousand seven hundred and eighty-eight.

By His Excellency's Command,

J. WILLIAMS, C.L.C.

No. 49.—1788: *Statute of New Brunswick, 28 Geo. III, Cap. 4.*

An Act to provide for the support of a Light-House, to be built upon Partridge-Island.

Whereas it is necessary and expedient, that provision should be made for the support of a Light-House to be erected upon Partridge-Island, lying at the entrance of the harbour of the City of Saint John, for the safety of vessels coming into and going out of the said harbour.

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly,* That from and after the time it shall be certified under the seal of the corporation of the said city, to the treasurer of the province, that a Light-House is erected and used as such upon the said Island, there be and hereby is granted unto His Majesty, his heirs and successors, for the support of such Light-House, a duty of two pence upon every ton each vessel belonging to the port of Saint John, of the burthen of fifteen tons and upwards, other than coasters or fishing vessels, shall measure agreeable to her register, that may arrive in the said harbour; and upon all vessels not belonging to the said port, which shall so arrive, a duty of four pence upon each and every ton agreeable to the aforesaid measurement, which duties shall be paid at the time of the arrival of such vessels in the said harbour unto the treasurer of the province, or his deputy, who are hereby authorized to demand and receive the same, and upon refusal of payment to be proved upon oath before any one of his majesty's justices of the peace in the said city and county, to be levied by warrant of distress and sale of the guns, boats, tackle and apparel and furniture of such vessels, under the hand and seal of such justice, directed to any sheriff or constable, or marshal of the said city, rendering the overplus, if any, after deducting the costs and charges of distress and sale to the master or person having the command of such vessel.

II. *And be it further enacted,* That no vessel shall be deemed a fishing vessel within the meaning of this Act, excepting such as shall be wholly employed in that business, nor shall any vessel be deemed a coaster, excepting such as shall be wholly employed within the Bay of Fundy.

III. *And be it further enacted,* That every coasting vessel shall pay in lieu of the said duty at the rate of ten shillings per annum, and no more, to be received and recovered in manner aforesaid.

IV. *And be it further enacted,* That all monies arising by the aforesaid duties, shall be applied towards the support of the said Light-

House, to be issued for that purpose, by warrant under the hand and seal of the Lieutenant-Governor or Commander in Chief of the province for the time being; and in case there be more monies raised than is necessary for the support of the said Light-House, the surplusage to be disposed of by an Act or Acts of the Lieutenant-Governor, Council and Assembly, to be passed for that purpose.

No. 50.—1793: *Statute of New Brunswick 33 Geo. III, Cap. 4.*

An Act to explain and amend an Act, intituled, "An Act to provide for the support of a Light-House to be built upon Partridge Island."

Whereas in and by an Act made and passed in the twenty-eighth year of His Majesty's reign, intituled "An Act to provide for the support of a light-house to be built upon Partridge-Island," it is among other things enacted that no vessel shall be deemed a coaster within the meaning of that Act, excepting such as shall be wholly employed within the Bay of Fundy. And whereas doubts have arisen, whether vessels that are employed during the whole of the summer season within the Bay of Fundy, but which during the winter season, when there is no employment for them in the Bay of Fundy, occasionally make a voyage to any port without the 594 said Bay, are to be considered and deemed as coasters within the meaning of the said Act, and also whether vessels wholly employed within the said Bay and in passing and re-passing between the ports and places belonging to this province within the said bay, and the ports and places belonging to the province of Nova-Scotia within the said bay, are to be considered and deemed as coasters within the meaning of the said Act: And also, whether vessels generally employed in fishing, but occasionally for other purposes, are to be considered and deemed as fishing vessels within the meaning of the said Act, for preventing and removing all such doubts in future—

Be it enacted by the Lieutenant-Governor, Council and Assembly,
That from and after the passing of this Act, all vessels of the several and respective descriptions herein before recited and contained, shall be deemed as coasters or fishermen respectively within the meaning of the said herein before recited Act, and shall be liable to the payment only of the duty required to be paid by coasting and fishing vessels respectively in and by the said Act, any thing in the said herein before recited Act to the contrary notwithstanding. *Provided always,* That all such vessels, when they make any voyage to any port or place without the said bay, shall upon their arrival from such voyage within the harbour of Saint John, be liable to the same duties as if they were not deemed to be coasters or fishing vessels within the meaning of the said Act, any thing herein before contained to the contrary notwithstanding.

No. 51.—1793: *Statute of Nova Scotia, 33 Geo. III, Cap. 16.*

An Act in amendment of, and in addition to, an Act, made in the Thirty-third year of the reign of His late Majesty, entitled, an Act for regulating and maintaining a Light-House on Sambro Island, and in addition to, and amendment of an Act, passed in the Twenty eighth year of his present Majesty's reign, entitled, An Act for regulating and maintaining a Light House at the entrance of the Harbour of Shelburne.

Whereas the several Laws heretofore made for maintaining the Light House erected on Sambrō Island, and McNutt's Island, have proved ineffectual for that purpose, and many ships and vessels which derive great benefits by the said Light Houses, are not by the said Act compellable to pay any duty towards the support of them:

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly,* That all registered vessels owned by any person or persons within this Province, and not wholly employed in the fisheries thereof, which shall not within one year to be computed from the first day of April in the present year, and yearly and every year afterwards, come into the port of Halifax or Shelburne, and in one of the said ports pay the duties by the herein recited Acts imposed, shall pay in such port, harbour or place, to which such vessels shall respectively belong, the sum of four pence per ton yearly and every year.

II. *And be it further enacted,* That every ship or vessel, his Majesty's ships of war and such transports or other vessels employed in his Majesty's service as shall by their charter party be exempted from paying port charges excepted, which shall from and after the publication hereof come into any port, harbour, creek, or river within this Province not being to the northeastward of Cape Canso, and not owned by some person or persons belonging to this Province, shall pay the same duty per ton as is payable by the above recited Act, entitled, an Act, for regulating and maintaining a Light House at the entrance of the harbour of Shelburne, upon every merchant's vessel coming into the said harbour of Shelburne.

III. *And be it further enacted, by the authority aforesaid,* That from and after the publication hereof, it shall and may be lawful for the Governor, Lieutenant Governor, or Commander in Chief for the time being, from time to time, and so often as he shall think proper, to appoint fit and proper persons Collectors of the said duties in the several ports, harbours, creeks and rivers in this Province, to the southward and westward of Cape Canso, and to describe the particular limits of such Collector or Collector's jurisdiction, in the commission or commissions to be granted for that purpose, and it shall and may be lawful for the said Governor, Lieutenant Governor or Commander in Chief for the time being, if he shall think proper, to let to farm, to the highest and fairest bidder, the whole or any part of the said duties, and to take good security from such farmer or farmers for the faithful performance of his duty, and for the payment of the several sum or sums of money, at the time and in the manner in which such farmer or farmers shall have stipulated to pay the same. *Provided always,* that the said Governor, Lieutenant Governor, or Commander in Chief shall not at any time, let or farm the said duties or any part thereof, for a longer period than one year.

IV. *And be it further enacted*, That if the master or person having charge of any vessel or vessels, being subject and liable to pay any duty or duties by virtue of this Act, shall after the publication hereof, after his arrival in any port or harbour of this Providence, to the southward and westward of Cape Canso as aforesaid, the same being of him duly demanded, refuse to pay such duties, or shall depart with such vessel or vessels from, or out of the port or harbour, wherein he shall first arrive with such vessel, before or until he or they shall have paid and discharged the duties imposed by this Act on such vessel, such master or commander shall forfeit and pay over and above the said duty and duties, the sum of five pounds, to be recovered, together with such duty, by bill, plaint or information, in any of His

Majesty's Courts of Record within this Province, one half of
595 such penalty to the Collector or Collectors, Farmer or Farmers
of the said duties, who shall sue for the same, and the other
half thereof to be paid into the Treasury of the Province, for the
support of the government thereof.

V. *Be it further enacted, by the authority aforesaid*, That if the master or person having charge or command of any ship or vessel, shall neglect after demand made of payment thereof, or shall refuse to pay the duties herein imposed and laid on such ship or vessel, it shall and may be lawful for any Collector or Collectors, by virtue of this Act to be appointed, to seize and take such ship or vessel into his custody, and to carry the same to the port nearest to the place where such seizure shall be made, and there to deliver up such vessel to the Collector or any other principal officer of His Majesty's Customs of such port, in whose custody such ship or vessel shall remain, until the aforesaid fine of five pounds, and the duties due and payable by virtue or [Sic.] this Act, together with all reasonable expenses shall be paid, or until good and sufficient security shall be given, by such master or person having charge or command of such ship or vessel, to abide by, or perform the judgment of the Court, in which the suit or prosecution for such duties and penalty as by this Act are inflicted and laid, shall be instituted and prosecuted.

VI. *Be it further enacted, by the authority aforesaid*, That all the monies arising from the duties by this and the herein recited Acts, imposed and laid, shall be paid into the Treasury of this Province: to be applied to the repairing and lighting the said Light Houses, and in keeping and maintaining lights in the same; and it shall and may be lawful for the Governor, Lieutenant Governor or Commander in Chief for the time being, to contract with any person or persons he shall think fit, for the repair of the said Light Houses, and keeping sufficient lights in the same, and to defray and pay the expense of lighting and repairing the said Light Houses, out of the monies arising from the duties by this Act imposed.

VII. *Be it further enacted, by the authority aforesaid*, That the ships and vessels owned by any firm or company of merchants, whereof one of the said firm or company shall be a resident freeholder within this Province, shall pay the same duty only, as if such ship or vessel was wholly owned by any freeholder or freeholders resident in this Province; any thing in the Acts contained of which this is an amendment, to the contrary notwithstanding.

VIII. *And be it further enacted, by the authority aforesaid*, That this Act and every matter and clause therein contained, shall be and

continue, and the same is hereby continued in force until the first day of July, which will be in the year of our Lord one thousand seven hundred and ninety six.

No. 52.—1793: Extract from Statute of New Brunswick, 33 Geo. III, Cap. 9.

An Act for regulating the Fisheries in the different Rivers, Coves and Creeks of this province.

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly,* That if any person or persons after the publication of this Act, shall presume to erect or set up any hedge, wear, fish garth, or other incumbrance, or place any seine or seine, net or nets across any river, cove or creek in this Province, in such manner as to obstruct, injure or hurt the natural course of the fish in any river or place where they usually go, such person or persons shall forfeit and pay the sum of ten pounds upon due conviction thereof by the oath of one or more credible witness or witnesses before any two of His Majesty's Justices of the Peace in the County where such offence shall be committed, to be levied by warrant of distress and sale of the offender's goods, rendering the overplus, if any, to such offender; and twenty pounds for the second offence, to be recovered with costs by action of debt, bill, plaint or information, in any Court of Record in this Province, and fifty pounds for the third and every subsequent offence, to be recovered with costs, in the manner last mentioned; one half of which penalties shall on conviction be paid to the Informer, and the other half to the overseers of the poor of the town or parish where such offence shall be committed, to be applied to the use of the poor. *Provided always,* That nothing herein before contained shall extend or be construed to extend to prevent the erection of wears upon the flats or drawing seines upon the shores, or setting nets, under the regulations herein after mentioned in any such rivers, coves or creeks.

II. *And be it further enacted,* That the Justices of the Peace in their General Sessions held in the several counties in this Province, may and are hereby required to appoint one or more fit person or persons inhabitants not being employed as fishermen, to be Overseers of the fisheries for each town or parish within their respective counties, who shall be sworn to the faithful discharge of their duty, and shall have power to remove any net, hedge, wear, fish garth, seine or other incumbrance that shall be found in any river, cove or creek, contrary to the provisions of this Act.

III. *And be it further enacted,* That if any net, hedge, wear, fish garth, seine or other incumbrance shall be found in any river, cove, or creek, in this Province, contrary to the provisions of this Act, it shall and may be lawful for such Overseers of the fisheries and they and each of them are hereby required respectively forthwith to seize the same, and if no owner shall appear to claim the same in ten days, such net, seine or fish garth shall, together with the fish, if any found therein, be forfeited and sold by the said Overseers to satisfy the respective penalties in this Act mentioned and inflicted, and the overplus, if any, shall be paid to the Overseers of the poor for the use of the poor of the town or parish where such offence shall be committed.

IV. *And be it further enacted*, That the said Overseers of the fisheries shall be entitled to demand and receive one shilling and no more, for each net to be set in the districts to which they 596 shall be respectively appointed, from the proprietors of such nets, as a compensation for their trouble.

V. *And be it further enacted*, That if any such Overseer of the fisheries shall at any time wilfully and knowingly delay, neglect or refuse to perform the duty in and by this Act enjoined, such offender shall forfeit and pay for every offence the sum of five pounds, to be sued for, recovered and applied in the same manner as the penalty of ten pounds herein before mentioned, can or may be sued for, recovered and applied.

VI. *And be it further enacted* That if any Overseer shall so neglect to perform the duty in and by this Act enjoined, it shall and may be lawful for any person or persons to apply to any Sheriff or Constable, who are hereby authorised and required to take up and remove any such incumbrance forthwith; and if no person or persons appear to claim the same within ten days, the said net or nets so taken up and removed as aforesaid, shall be considered the one moiety as the property of the person or persons so complaining, and the other moiety as the property of the Sheriff or Constable who may take up and remove the said nets or other incumbrance.

VII. *And be it further enacted*, That no net shall be set longer than thirty fathoms in the main River St. John, or extend more than thirty fathoms into the said river, or the broad part of the Kennebeckacis river or more than one fourth part of the width of the water between the shores on each side the said rivers, and any islands or sand-bars in the said rivers; and in any of the branches of the said rivers not more than one fourth part of the width of the branch where such net shall be so set; and that no drag net or seine shall be used in either of the same rivers or the branches thereof to sweep the same rivers or the branches thereof, or either of them, more than one fourth part of the width of such river or branch.

VIII. *And be it further enacted*, That the width of all such branches, coves or creeks, wherein there are any islands or sand-bars, shall be computed from the opposite shores to the said islands or sand-bars to where the water surrounding the said islands or bars is three feet in depth.

IX. *And be it further enacted*, That no net shall be set in the river St. John below the Boarshead or in the harbor of St. John, more than twenty fathoms in length: And that no net shall at any time be set or remain in the water, or any seine be drawn, or any salmon speared, in any part of this province, between the time of sun-set on Saturday night, and sun-rise on Monday morning; and that no nets shall be placed within less than fifty feet of each other measured on a straight line, running parallel as near as may be with the shore, in any of the said places in this clause mentioned, under the penalty of ten pounds for each and every of the said offences herein before described and prohibited, to be sued for, recovered and applied in the manner herein last before mentioned, any law, usage or custom to the contrary thereof in any wise notwithstanding.

* * * * *

The remaining part of this Act repealed by 39 Geo. 3, c. 5.

No. 53.—1794: *Statute of New Brunswick, 34 Geo. III, Cap. 3.*

An Act to explain and amend an act, intituled, "An Act for regulating the fisheries in the different Rivers, Coves and Creeks of this Province."

Whereas in and by an Act made and passed in the thirty-third year of His Majesty's reign, intituled, "An Act for regulating the Fisheries in the different Rivers, Coves and Creeks, of this Province," *it is enacted*, "That no net shall be set in the river Saint John below the Boarshead, or in the Harbor of Saint John more than twenty fathoms in length": And whereas doubts have arisen whether under the said law more than one length of such nets may be set; for preventing such doubts in future—

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly*, That from and after the passing of this Act, only one length of the nets herein before described, shall be set in the same line running into the water in any part of the river Saint John below the Boarshead, or in the harbor of Saint John, and if any person shall set any length of net running into the water in the same line with the net which is permitted to be set by the said herein before recited Act, every person so offending shall for every offence forfeit and pay the sum of ten pounds, to be recovered, paid and applied in the same manner, and to the same uses as the first penalty mentioned in the said herein before recited Act can or may be recovered, paid and applied. And whereas, in and by the said herein before recited Act, *it is enacted*, "That no nets shall be placed within less than fifty feet of each other, measured upon a straight line running parallel, as near as may be, with the shore in any of the places in the said Act for that purpose particularly mentioned." And whereas, doubts have arisen whether the distances between such nets may be marked and ascertained upon more than one such line parallel with the same shore; for preventing such doubts in future—

II. *Be it enacted*, That the distances between such nets shall be marked and ascertained upon one such line, parallel with any part of the shore, in the river Saint John below the Boarshead, or in the harbor of Saint John.

III. *And be it further enacted*, That where no goods or chattels can be found whereon to levy, by warrant of distress and sale of the offenders' goods, the fines and penalties inflicted in this and the said 597 herein before recited Act, it shall and may be lawful for the Justice and Justices, and the Court before whom or which the conviction may be, to commit the offender or offenders to the public gaol in the county, for any time not exceeding thirty nor less than ten days, as such Justice or Justices, or Court shall respectively think fit.

IV. *And be it further enacted*, That the said herein before recited Act, and every clause, matter and thing therein contained, shall be and remain in full force, any thing herein before contained to the contrary notwithstanding.

No. 54.—1795: *Statute of Nova Scotia, 35 Geo. III, Cap. 3.*

An Act in addition to and amendment of, an Act, passed in the Thirty-third year of the reign of His late Majesty, entitled, an Act for regulating and maintaining a Light-House on Sambro Island, and in addition to, and amendment of, an Act passed in the Twenty-eighth year of His present Majesty's reign, entitled, an Act for regulating and maintaining a Light-House at the entrance of the Harbour of Shelburne.

Whereas the duties payable on merchant ships and vessels by the aforesaid Acts, are directed to be paid at their going out of the said harbours of Halifax and Shelburne:

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, That from and after the publication thereof, all duties which shall become due, and payable on any merchant ship or vessel by virtue of the aforesaid Acts, or either of them, shall be paid immediately, after the arrival of such ship or vessel in the said harbours of Halifax and Shelburne respectively; and that in case the master or commander of any such ship or vessel, shall neglect or refuse to pay the said duties in manner hereby directed, such master or commander shall forfeit and pay the sum of five pounds; and it shall and may be lawful for the Collector of the said duties to enter on board such merchant ship or vessel, and her to seize and detain until the said duties, and the aforesaid penalty shall be discharged and paid, and if any person or persons shall assault or obstruct the said Collector in the execution of his office as aforesaid, such person or persons so offending, shall forfeit and pay for each and every offence the sum of twenty pounds, which fines and penalties shall and may be recovered, by bill, plaint or information, in any of His Majesty's Courts of Record in this Province, two third parts whereof, shall be paid to the person or persons prosecuting for the same, and the remainder into the Treasury for the use of His Majesty.

II. And be it further enacted, That for the more effectual security of the collection, and just account of the duties imposed by the Act of which this is in amendment, it shall not be lawful for the Naval Officer, or his Deputy, to clear out any vessel at the naval office, until he receives a certificate from the Collector of the light duties, that such duties are paid, and the Naval Officer is hereby required to keep lists of such vessels, with their tonnage, and the names of their masters and owners, and to transmit to the Treasurer of the Province, quarterly, copies of such lists; and for the taking such lists, and making such copies, the said Naval Officer shall be entitled to receive from the master of every vessel, of fifty tons and upwards, the sum of one shilling, and for every vessel under fifty tons. the sum of six pence, and no more.

No. 55.—1799, February 8: *Statute of New Brunswick, 39 Geo. III, Cap. 5.*

An act for regulating the fisheries in the County of Northumberland. Passed the 8th February, 1799.

Whereas the Laws now in force for regulating the Fisheries in the County of Northumberland have been found inadequate to purposes intended: for remedy whereof—

I. Be it enacted by the Lieutenant-Governor, Council and Assembly, That so much of an Act made and passed in the Thirty-third year

of His Majesty's reign, intituled, "An Act for regulating the Fisheries in the different Rivers, Coves and Creeks of this Province," as relates to the County of *Northumberland*, be and the same is hereby repealed; and that from and after the passing of this Act, the Fisheries in the said County of *Northumberland*, shall be regulated in the manner herein after mentioned, that is to say, in the Bay and River *Miramichi* and its branches: No net whatever to be set off any part of *Fox-Island*, *Waltham*, alias *Portage-Island*, or any other Island, Middle Ground or Shoal in the said Bay, River and Branches, excepting as is herein after permitted. No net to be set from Point *Esquiminac* to the western extremity of *Huckleberry* Island, to extend into the Bay more than One hundred fathoms from low water, and no net to be set in the said space but by the *Acadian* or other inhabitants of lower *Bay du Vin*; from thence to the lot formerly owned by *Thomas Ian*, now owned by *Duncan Robertson*; no net to be set along the south shore in the said space, to extend into the Bay more than two hundred fathoms from three feet water at low water;

a base line to run from the said Lot to the Barn now owned by
598 James *Horton*, Esq. in *Bay du Vin*; no net to extend into the
Bay more than two hundred fathoms from the said line; from the said Barn to the eastern line of the lot lately owned by *John Mark Crank Delesdernier*; no net to extend into the Bay more than two hundred fathoms; from thence to Point *Aux Bar*; no net to extend into the Bay more than two hundred fathoms from Point *Aux Bar* to the Lot owned by *Alexander Wilson*; no net to extend into the Bay more than three hundred fathoms from low water; a base line to run from the said *Alexander Wilson's* Lot to Point *Cheval*; no net to extend into the Bay more than three hundred fathoms from the said line, from Point *Cheval* to the upper extremity of the *Sand-beach* in *Napan Bay*; no net to extend into the Bay more than two hundred and fifty fathoms from low water; no net to be set off either sides of *Bay du Vin* Island, to extend into the Bay more than sixty-eight fathoms from low water; a base line to run from the upper extremity of the said *Sand-beach* in *Napan Bay* to a point commonly called *Green Point*, on the west side of a small creek at the end of *George Murdoch's* marsh; no net to extend into the Bay more than two hundred fathoms from the said line, and no net set from the said line to be nearer than one hundred fathoms to the said *Green Point*; from the said *Green Point* to within forty rods of the *Fish-shed*, formerly occupied by *James Anderson*; no net to be set to extend into the Bay more than one hundred and fifty fathoms from low water; from thence to the lower extremity of *East Point*; no net to be set to extend into the river more than eighty fathoms from low water; no net to be set off *East Point* to extend into the river more than fifty fathoms from low water; no net to be set off *Sheldrake* Island to extend into the river or bay more than sixty fathoms from low water; no net to be set off *Hay* Island opposite *Neguac*, to extend into the bay more than twenty fathoms from low water; from thence to Not No. 81, owned by *James Fraser*, Esq. inclusive; no net to extend into the bay more than three hundred fathoms from low water, and no net to be set in the said space to be more than two hundred fathoms in length; from thence to Lot No. 76, owned by *James Thom*, inclusive; no net to extend into the bay more than two hundred and eight fathoms from low water; a base line to run from low water on Lot No.

76, to the first point above the house owned by *John English*, opposite to the lower end of *Sheldrake Island*; no net to extend into the bay more than two hundred and fifty fathoms from the said line; from thence to the lower line of Lot No. 71; no net to extend into the bay more than two hundred fathoms from low water; no net to be set in front of Lot No. 71, to extend into the river more than seventy fathoms from low water; a base line to commence at the upper line of Lot No. 71, or *Moody's Point*, at low water mark, and end at low water mark on Lot No. 69; from thence to continue to low water mark on Lot No. 66; no net to extend into the river more than sixty-five fathoms from the said line; no net to be set in front of the Lots No. 65 and 66, to extend into the river more than sixty-five fathoms from low water; no net to be set in front of the Lots No. 64 and 63, to extend into the river more than seventy fathoms from low water; no net to be set in front of Lot No. 62, to extend into the river more than sixty-five fathoms from low water; no net to be set in front of Lot No. 61, to extend into the river more than forty-five fathoms from low water, from Lot No. 61 to Lot No. 57, inclusive; no net to extend into the river more than sixty-five fathoms from low water; no net to be set in front of the Lots No. 56, No. 55, and No. 54, to be longer than sixty-five fathoms, beyond forty fathoms from low water; no net to be set in front of the lots No. 53, No. 52, and No. 51, to be longer than sixty-five fathoms, beyond fifty fathoms from low water; no net to be set in front of Lot No. 50, to extend into the river more than sixty-five fathoms from low water; from thence to Lot No. 39, inclusive; no net to be set to extend into the river more than thirty-seven fathoms from low water; no net to be set in front of Lot No. 38, to extend into the river more than fifty fathoms from low water; no nets to be set in front of Lots No. 37, No. 36, No. 35, and No. 34, to extend into the river more than sixty-eight fathoms from low water; from thence to *Delesdernier's Saw-Mill Cove*, inclusive; no net to extend into the river more than seventy fathoms from low water; from thence to Lot No. 14, inclusive; no net to extend into the river more than fifty fathoms from low water; from thence to Lot No. 5, inclusive; no net to extend into the river more than forty-two fathoms from low water; from thence to Lot No. 1, inclusive; no net to extend into the river more than fifty-five fathoms from low water; from thence along the north shore to the Cove below *James Oxford's* house on the north-west branch; no net to extend more than thirty fathoms from low water; from thence to the Saw-Mill Cove, inclusive; no net to be set to extend into the river more than forty fathoms from low water, excepting in front of the Lots now occupied by *James Oxford*, *Duncan MacIntire* and *George Hubbard*, where the nets shall not extend into the river more than twenty fathoms, from one foot water at low water; from the said Saw-Mill Cove to the Cove below *Barr's Point*; no net to extend into the river more than eighty fathoms from low water; from thence to the upper *Bass* fishery; no net to extend into the river more than forty fathoms from low water; from thence to *Barnet's Point*; no net to extend into the river more than sixty fathoms from low water, excepting in front of the Lots occupied by *George Urquhart* and *Thomas Wright*, where no nets shall extend into the river more than eighty fathoms from low water; from thence to the Lot claimed by *John Stewart*, on the north side, opposite to the Lot occupied by him on the south side; no net to ex-

tend into the river more than forty fathoms from low water; no net to be set in front of the Lot owned and occupied by *John Stewart* on the south side, nor along the south or western shore, downwards to *Bauhebert's Point*, inclusive, to extend into the river more than forty fathoms from low water; a base line to run from *East Point* to *West Point*; no net to extend into the river more than fifty fathoms from the said line; from low water mark at *West Point*; a base line to run to low water mark at the lower Point of Lot No. 9; no net to extend into the river more than sixty-five fathoms from the said line, from the said point of Lot No. 9, to *Terril's Point*; no net to extend into the River more than sixty-five fathoms from low water, excepting in front of Lots No. 18 and No. 19, where the nets are to extend sixty-five fathoms beyond twenty fathoms at low water; no net to be set off *Terril's Point* to extend into the river more than forty fathoms from low water; a base line to run from *Terril's Point* to the lower end of *Middle Island*; no net to be set to extend into the river more than forty-eight fathoms from the said line; no net to be set from *Middle Island* towards the north shore to extend into the river
599 more than fifty fathoms from low water; no net whatever to be set from *Middle Island* towards the south shore; no net to be set from the south shore opposite to the upper end of *Middle Island*, to *Alexander Gunn's* lower Lot, inclusive, to extend into the river more than fifty-two fathoms from low water, excepting in front of the Lots No. 28 and No. 29, which shall not exceed sixty fathoms from low water, and in front of Lot No. 32 no net to extend into the river more than thirty-eight fathoms from low water; no net to be set in front of Lot No. 33 to extend into the river more than fifty-five fathoms from low water; no net to be set in front of the Lots No. 50, No. 51, No. 52, No. 53 and No. 54, inclusive, to extend into the river more than sixty fathoms from low water; from thence to Lot No. 58, inclusive; no net to extend into the river more than sixty fathoms from low water; no net to be set in front of the Lots No. 59, No. 60, and No. 61, to extend into the river more than fifty fathoms from low water; from thence to the Lot No. 41, in the Grant to the late *William Davidson*, Esquire; no net to extend into the river more forty fathoms from low water; no net to be set in front of the Lot lately occupied by *Joel Spencer Turner*, to extend into the river more than seventy fathoms from low water; no net to be set from *Beauhebert's Island*, to extend into the river more than thirty fathoms from low water; no net whatever to be set in the *Tickle* between *Beauhebert's Island* and *Beauhebert's Point*; no net whatever to be set in front of the burying ground on *Beauhebert's Point*; no net to be set from either side of the south-west branch from *Beauhebert's Point* on the western shore and *Joel Spencer Turner's* Lot on the eastern shore to the *Elm Tree*, inclusive, to extend into the River more than forty fathoms from low water; no net to be set between the extremity of *Barnaby's Island* and the Lot owned by *William Gillice* on the north shore, to extend into the river more than thirty fathoms from low water; from the *Elm Tree* to the *Nashwaack Portage*; no net to be set from either side to extend more than one third part across the said branch. *Provided always, and it is hereby declared,* that no net to be set in either of the branches by virtue of this Act, shall extend more than one third part across such branch, any thing herein before contained to the contrary notwithstanding; and that no net shall

at any time be set or remain in the water, or any seine be drawn, or any salmon speared in any part of the Bay and River *Miramichi* and its branches, between sun-set on Saturday night and sun-rise on Monday morning; and that this clause shall extend to the cross-net claimed by the heirs of the late *William Davidson*, Esq. at the *Elm Tree* in the south-west branch of *Miramichi* river aforesaid; no nets whatever to be set inside of any base lines allowed in the bay, river and branches, excepting in front of the Lot owned by *Robert England* in *Nassau Bay*, where the net may extend into the bay in front of the said Lot two hundred fathoms from low water, and in front of the lot owned by *Richard Home* in the said *Nassau Bay*, where the net may extend two hundred fathoms from low water, provided no part of the said quantity of net is set outside of the said line; no net to be set off vacant lands in the bay, river or branches below the upper settlement on the south-west branch, to extend from either shore more than five fathoms from low water, until the said lands are allotted by Government or occupied by permanent settlers.

II. *And be it further enacted*, That if any person or persons, from and after the passing of this Act, shall presume to erect or set up any hedge, wear, fish-garth, or other incumbrance, or place any seine or seines, net or nets, in the bay or river *Miramichi*, or its branches, except as herein before provided for, such person or persons so offending shall forfeit and pay the sum of ten pounds, upon due conviction thereof by the oath of one or more credible witness or witnesses, before any two of His Majesty's Justices of the Peace for the County of *Northumberland*, to be levied by warrant of distress and sale of the offender's goods and chattels, rendering the overplus, if any, to such offender, and twenty pounds for the second offence, to be recovered with costs, by action of debt, bill, plaint, or information, in any Court of Record in this Province, and fifty pounds for the third and every subsequent offence to be recovered with costs in the manner last mentioned; one half of which penalties shall on conviction, be paid to the Informer, and the other half to the Overseers of the poor of the town or parish where such offence shall be committed, to be applied to the use of the poor.

III. *And be it further enacted*, That the Justices of the Peace in the said county of *Northumberland* in their General Sessions, may and are hereby required to appoint one or more fit person or persons to be overseers of the fisheries for each town, parish or district, who shall be sworn to the faithful discharge of their duty; and shall have power to remove any net, hedge, wear, fish-garth, seine or other incumbrance, that shall be found in any river, cove or creek, contrary to the provisions of this Act.

IV. *And be it further enacted*, That if any net, hedge, wear, fish-garth, or other incumbrance, or any drift-net, shall be found in any river, cove, or creek, contrary to the provisions of this Act, it shall and may be lawful for such overseers of the fisheries, and they and each of them are hereby required respectively forthwith to seize the same; and if no owner shall appear to claim the same within ten days, such net, seine, or fish-garth, shall, together with the fish, if any found therein, be forfeited and sold by the said overseers to satisfy the respective penalties in this Act mentioned and inflicted, and the overplus, if any, shall be paid to the overseers of the poor for the

use of the poor of the town or parish where such offence shall be committed.

V. *And be it further enacted*, That the said overseers of the fisheries shall be entitled to demand and receive one shilling and no more for each set of nets to be set in the district to which they shall be respectively appointed from the proprietors of such nets, as a compensation for their trouble.

VI. *And be it further enacted*, That if any such overseer of the fisheries shall at any time wilfully and knowingly delay, neglect, or refuse to perform the duty in and by this Act enjoined, such offender shall forfeit and pay for every offence, the sum of five pounds, to be sued for, recovered and applied in the same manner as the penalty of ten pounds herein before mentioned, can or may be sued for, recovered or applied.

VII. *And be it further enacted*, That if any overseer shall so neglect to perform the duty in and by this Act enjoined, it shall and may be lawful for any person or persons to apply to the Sheriff, his

Deputy, or any Constable who are hereby authorized and required to take up and remove any such incumbrance forthwith; and if no person or persons appear to claim the same within ten days, the said net or nets so taken up and removed as aforesaid, shall be considered the one moiety as the property of the person or persons so complaining, and the other moiety as the property of the Sheriff, his deputy, or any Constable who may take up and remove the same.

VIII. *And be it further enacted*, That no salmon shall be taken or killed in any manner whatever, in the River *Miramichi*, or in the River *Restigouche*, or in any of the branches of the said rivers, from the thirtieth day of *August*, to the first day of *April* in every year; nor shall any person purchase any fish so killed or taken, under the penalty of five shillings for each fish so killed, taken or purchased, to be recovered before any of His Majesty's Justices of the Peace, for the County of *Northumberland*, for the uses aforesaid.

IX. *And be it further enacted*, That the Justices of the Peace in the said County of *Northumberland*, in their General Sessions, shall and may make such rules and regulations for the Fisheries in all other Rivers, Coves and Creeks within the said County, not herein and hereby regulated, as they shall think fit—Provided the same regulations so to be made, be not contrary to nor inconsistent with the provisions herein before contained; and the Overseers of the Fisheries to be appointed in pursuance of this Act, are hereby required to see that such rules and regulations so to be made are observed and enforced in the same manner as any of the rules and regulations in this Act are required to be observed and enforced under such penalties, not exceeding Ten Pounds, as they the said Justices in their discretion shall think fit.

X. *And be it further enacted*, That this Act shall continue and be in force seven years, and no longer.

No. 56.—1803: *Statute of Nova Scotia, 43 Geo. III, Cap. 4.*

An Act to provide for the support of a Light-House at the entrance of Annapolis Basin, and for amending an Act, passed in the Twenty-eighth year of His Majesty's reign, entitled, an Act for regulating, and maintaining, a Light-House at the entrance of the Harbour of Shelburne, and for making perpetual the several Laws herein mentioned.

Whereas a Light-House is now erected at the entrance of the Gut of Annapolis, which will be highly beneficial to all vessels going into that passage, or any part of Annapolis Basin; for the maintenance and regulation of such Light-House:

I. *Be it enacted by the Lieutenant Governor, Council and Assembly,* That as soon as the said Light House shall be completed, and a light regularly kept therein, all ships or vessel entering the Gut of Annapolis Basin, shall pay the same tonnage duties that are now received from, and made payable by, all vessels which enter the harbour of Halifax.

II. *And be it further enacted,* That, from and after the publication of this Act, the same light duties shall be paid by all ships and vessels entering the port of Shelburne, as are paid by vessels entering the port of Halifax; any thing in the Act, to which this is an amendment, to the contrary notwithstanding.

III. *And be it further enacted,* That it shall and may be lawful to collect, receive and apply, the said tonnage duties, in the same manner, and under the same regulations, that the said tonnage duties are now collected, received and applied, in the said harbour of Halifax.

IV. *And be it further enacted,* That the Act, passed in the thirty-third year of His late Majesty's reign, entitled, An Act for regulating and maintaining a Light-House on Sambro-Island; also, an Act, passed in the twenty-eighth year of His present Majesty's reign, entitled, An Act for regulating and maintaining a Light-House at the entrance of the harbour of Shelburne; also, an Act passed in the thirty-fifth year of His present Majesty's reign, entitled, An Act in addition to, and in amendment of, an Act, passed in the thirty-third year of the reign of His late Majesty, entitled, An Act for regulating and maintaining a Light-House on Sambro Island, and in addition to, and amendment of, an Act, passed in the twenty-eighth year of His present Majesty's reign entitled, An Act for regulating and maintaining a Light-House at the entrance of the harbour of Shelburne; also, the Act, passed in the thirty-third year of His present Majesty's reign, in amendment of, and in addition to, the several Acts before mentioned; and also, the Act passed in the thirty-seventh year of His present Majesty's reign, to revive and continue the Act passed in the thirty-third year of his present Majesty's reign, as before recited, and every matter, clause and thing, therein contained, are hereby continued in force, made perpetual, and extended to the said Light-House at the entrance of the Gut of Annapolis, and also made applicable to enforce the payment of the said tonnage duties, on all vessels which enter the said Gut of Annapolis.

No. 57.—1807, April 16: Extract from Statute of Lower Canada,
47 Geo. III, Cap. 12.

An Act for the better Regulation of the Fisheries in the Inferior District of Gaspé, and to repeal an Act or Ordinance therein mentioned.

(16th April, 1807.)

Whereas the Fisheries have ever been found beneficial to the Trade of the mother country, as well as of great importance to her Colonies; and Whereas the Laws now in force to regulate the said Fisheries within the inferior District of Gaspé have been found insufficient: in order to ameliorate and amend the same, Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America,' and to make further provision for the Government of the said Province;" And it is hereby enacted by the said authority, that all and every His Majesty's subjects shall peaceably have use and enjoy the freedom of taking bait and of fishing in any river, creek, harbour or road with liberty to go on shore on any part within the inferior District of Gaspé, between Cap Cat on the south side of the river Saint Lawrence and the first rapid of the river Ristigouche within the said district, and on the island of Bonaventure opposite to Percé, for the purpose of salting, curing and drying their fish, to cut wood for making and repairing stages, flakes, hurdles, cook-rooms and other purposes necessary for preparing their fish for exportation, or that may be useful to their fishing trade, without hindrance, interruption, denial or molestation from any person or persons whomsoever. Provided such river, creek, harbour or road, or the land upon which such wood may be cut doth not lie within the bounds of any private property by grant from his Majesty or other title proceeding from such grant by his Majesty, or by grant made prior to the year one thousand seven hundred and sixty, or held under and by virtue of any location certificate or title derived from any such location certificate.

II. And be it further enacted by the authority aforesaid, that the master or commander of every vessel fitted out from the United Kingdom of Great Britain and Ireland, or the Dominions thereunto belonging, may take possession of so much of the unoccupied beach within the aforesaid inferior District of Gaspé, as may be necessary for curing his fish and preparing it for exportation, and to retain and enjoy the same so long as he shall not leave it unoccupied for the space of twelve calendar months, in which case it shall be lawful for any other person or persons to take possession thereof in part or the whole, for the same purposes and on the same condition. Provided that such beach be not private property by grant from his Majesty, or other title proceeding therefrom, or by grant prior to the year one thousand seven hundred and sixty, or held under and by virtue of any location certificate or title derived therefrom. Provided also, that such new occupier shall, when thereunto required by

the preceding possessor or his lawful attorney, such demand being made within one year after possession taken, pay him for such part of the flakes and stages, as such new occupier shall have taken possession of. And provided further, that the said preceding possessor not having been paid as aforesaid may remove any building or other improvements erected or made by him on the unoccupied beach as aforesaid, so that such removal be not made during and before the close of the fishing season in which the new occupier shall have taken possession.

III. And be it further enacted by the authority aforesaid, that no ballast or anything else injurious or hurtful to any of the rivers, harbours or roads within the said District of Gaspé, shall be thrown out of any vessels or discharged into any stream, basin or road, but that the same shall be carried on shore, and deposited where no public or private injury may be sustained thereby, nor shall any person or persons throw any fishcuts, offals or gurry overboard, within the distance of four leagues from the shore and islands of the inferior District of Gaspé aforesaid, under the penalty of Ten Pounds, Current money of this Province.

IV. And be it further enacted by the authority aforesaid, that no person or persons shall cast anchor near the shore, or do anything within the aforesaid limits, so as to annoy or obstruct the hauling of Seines or setting of Nets, under the penalty of Two Pounds, current money of this Province, for every such offence, exclusive of such damages as may be recovered at Law, by the proprietor or proprietors of the Seines or Nets which may be thereby injured or destroyed.

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XV. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the judge of the provincial court for the inferior district of Gaspé with two or more justices of the peace of the said district, to meet at Carleton in the Bay of Chaleurs, and at Percy in the entry of the Bay of Gaspé, on the first day of each of the general sessions of the peace, to be there held yearly in and for the said inferior district of Gaspé, and, if necessary, on such other subsequent days during the said general sessions, as the said provincial judge and justices shall fix and appoint, and, when so met, to make and frame such reasonable orders, rules and regulations respecting the said fisheries, and all matters and things concerning the same, as may not be repugnant to this Act, nor to any law of this province, and as [to] the said provincial judge and justices shall seem meet for the putting better this Act in execution, and more particularly for the governing and regulating all persons who shall fish or dredge in the rivers and streams in the said inferior district of Gaspé, frequented by fish in the spawning season, and to declare in what manner such persons shall demean themselves in fishing, and with what manner of nets and engines, and at what times and seasons they shall use fishing in the said rivers and streams, and for the preservation, from time to time, of the spawn or fry of fish in the said rivers and streams, and for regulating the manner of placing seines and nets in the havens, rivers, creeks and harbours in the said inferior District of Gaspé, and to annex reasonable penalties and forfeitures for the breach of such orders, rules and regulations,

not exceeding the sum of five pounds, current money of this province, for any one offence, and such orders, rules and regulations, from time to time, at such meetings so to be held as aforesaid, to alter and amend, and such new and other orders, rules and regulations touching the matters aforesaid, with such reasonable penalties and forfeitures, (not exceeding five pounds currency aforesaid for any one offence), from time to time to make, as to the provincial judge and justices, in their discretion, shall seem meet, and as in their 602 opinion will most effectually promote the good purposes for which this Act is intended. Provided always, that all such rules, orders and regulations as shall be framed, altered or amended at the meetings to be held by the said provincial judge and justices at Carleton aforesaid, shall have force and effect only in that part of the said inferior district of Gaspé to the westward of Mackarel Point in the Bay of Chaleurs, and the rules, orders and regulations so to be framed, altered or amended at the meetings to be held at Percé as aforesaid, shall have force and effect only in that part of the said inferior district to the eastward of Mackarel Point aforesaid, and the clerk of the peace of the said inferior district shall attend such meetings for the purpose of writing down, transcribing and registering such rules, orders and regulations so, from time to time, to be framed, altered or amended as aforesaid, and shall cause a suitable number of copies of the said rules, orders and regulations to be posted up, without loss of time, at the most public places in the different parts of the said inferior district of Gaspé, wherein the same are to have force and effect, and shall furnish and deliver a certified copy thereof to each of the justices of the peace for the said inferior district, and shall publish and make known the same in such other manner as the said provincial judge and justices shall think proper and necessary, and shall, from time to time, order which said rules, orders and regulations, when so framed, altered or amended, and duly published as aforesaid, shall be binding and obligatory upon all and every person or persons whomsoever, unless and until the same shall be annulled in manner herein after mentioned, and the said clerk of the peace shall further cause the said orders, rules and regulations to be printed and published in two successive Quebec Gazettes, in the English and French languages within six months after the same shall have been framed or altered and amended as aforesaid, and it shall be the duty of the said clerk of the peace to transmit, in the months of June and October annually, a copy certified under the hand of the said provincial judge, of all such orders, rules and regulations, and amendments or alterations as shall be so made, to the Governor, Lieutenant Governor or person administering the government of this province in council. Provided also nevertheless, that it shall and may be lawful to and for the Governor, Lieutenant Governor or person administering the Government of this Province for the time being, by and with the advice of the Executive Council, to order and declare that all, every or any of the Rules, Orders and Regulations so to be made by the said Provincial Judge of the said inferior District of Gaspé, and the said Justices in manner herein before directed, shall be annulled, and be held and considered as null, void and of no effect, and such order and declaration shall render all such Orders, Rules and Regulations null and void at the

expiration of two Calendar months next, after such order and declaration shall have been published twice in the Quebec Gazette.

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XXIII. And be it further enacted by the authority aforesaid, that no suit or action shall be brought against any person or persons for any penalty incurred under this Act, unless such suit or action be commenced within twelve calendar months next after the fact committed.

XXIV. And be it further enacted by the authority aforesaid, that this Act shall be and continue in force until the first day of January in the year of our Lord one thousand eight hundred and twelve, and from thence to the end of the then next Session of the Provincial Parliament.

No. 58.—1809: *Statute of Nova Scotia, 49 Geo. III, Cap. 9.*

An Act to provide for the support of a Light-House on Briar Island, at the entrance of the Bay of Fundy.

Whereas, a *Light-House is now erected on Briar Island, at the entrance of the Bay of Fundy, which will be highly beneficial to all Vessels going into that Bay; therefore,*

I. Be it enacted, by the Lieutenant-Governor, Council, and Assembly, That so soon as the said Light House shall be completed, and a light kept therein, all ships and vessels which shall enter the Bay of Fundy, and arrive at any port, harbour, creek or bay, in this Province, within the said Bay of Fundy, to the northward of Cape Saint Mary's, shall pay the same rate of tonnage duties that are now received from, and made payable by all vessels which enter the harbor of Halifax. *Provided always,* that in case the Light House at the entrance of the gut of Annapolis, shall be rebuilt, all such ships or vessels that shall enter the said gut of Annapolis, and pay the tonnage duties made payable by all ships or vessels entering the said gut of Annapolis, shall be, and are hereby exempted from the payment of the tonnage duties imposed by this Act.

II. And be it further enacted, That it shall and may be lawful to collect, receive and apply, the tonnage dues imposed by this Act, in the same manner, and under the same regulations, that the said tonnage duties are now collected, received and applied, in the said harbor of Halifax.

III. And be it further enacted, That the Act, passed in the thirty-third year of his late Majesty's reign, entitled, An Act for regulating and maintaining a Light House on Sambro-Island; also, an Act passed in the twenty-eighth year of his present Majesty's reign, entitled, An Act for regulating and maintaining a Light House at the entrance of the harbour of Shelburne, and all the several Acts which have been since made and passed in addition to, and amendment thereof, and to revive, continue, and make the same perpetual,

and all the several matters and things contained therein, shall
603 be, and the same are hereby extended to the said Light-House on Briar Island, at the entrance of the Bay of Fundy, and

also made applicable to enforce the payment of the said tonnage duties on all vessels which enter the Bay of Fundy, and come into any port, harbour, creek or river, within this Province.

IV. And be it further enacted, That this Act shall be and continue in force for three years from the publication thereof, and from thence to the end of the next Session of General Assembly.^a

No. 59.—1810, March 14: *Statute of New Brunswick, 50 Geo. III, Cap. 5.*

An Act for the better security of the Navigation of certain Harbors in the County of Northumberland.

Passed the 14th of March, 1810.

Whereas for the greater safety and convenience of the navigation of the bay and harbors of Miramichi, Buctouche, Richibucto and Cocagne, it is necessary that beacons or buoys be erected in said bays and harbors, and that provision be made for defraying such expenses as may be incurred in erecting, repairing and replacing such beacons or buoys.

I. Be it therefore enacted by the President, Council and Assembly, That it shall and may be lawful for such Commissioners as His honor the President or Commander-in-Chief for the time being shall appoint, or the major part of them, to cause to be erected in said bays and harbors, such a number of beacons and buoys as they or the major part of them, shall think necessary for the safety and convenience of the navigation of the same.

II. And be it further enacted, That so soon as the said beacons or buoys shall be erected, and the same certified to the satisfaction of the Commissioners, or major part of them, to be appointed in manner herein before mentioned, there be and hereby is granted unto His Majesty, his heirs and successors, for defraying such expenses as may be incurred in erecting, repairing, or replacing such beacons or buoys, that is to say, on all vessels entering the bay and harbors of Miramichi, Buctouche, Richibucto and Cocagne, the tonnage duties herein after mentioned, to wit, on all vessels, (coasting craft excepted), one half-penny for each and every ton such vessels admeasure per register, for each and every time such vessel or vessels arrive in any of the said harbors.

III. And be it further enacted, That the tonnage duties herein imposed shall be collected by the Deputy Province Treasurer for the County of Northumberland, or such person or persons as he may appoint for that purpose, and that the said Commissioners shall have full power and authority to call upon the said Deputy Province Treasurer and the persons to be appointed by him as aforesaid, for such sum and sums of money as they shall from time to time respectively have collected; an account of which sum, so to be collected by the persons to be appointed by the said Deputy Province Treasurer as aforesaid, shall be by them respectively, when called upon as aforesaid, rendered upon oath to the said Commissioners, deducting

^a In force in 1815.

from the amount collected ten per cent. which it shall be lawful for such Deputy Province Treasurer to retain for his trouble in collecting the same.

IV. *And be it further enacted*, That every master of such ship or vessel who shall refuse or neglect to call upon the Deputy Province Treasurer, or such person as he may appoint for said county or place, and pay to him such tonnage duties as are herein before imposed within five days after his arrival, shall forfeit and pay for such neglect the sum of three pounds, to be sued for by the said Deputy Province Treasurer or other person authorised to receive the same, and recovered before any one of His Majesty's Justices of the Peace, and applied for the purpose of erecting, repairing, and replacing such beacons and buoys.

V. *And be it further enacted*, That the Commissioners to be appointed in pursuance of this Act, shall at the first Court of General Sessions of the Peace, held in the County of Northumberland, in each and every year, render an account yearly of the monies from time to time received and expended in pursuance of this Act, the balance if any to be applied by the said Commissioners, or the major part of them, for the purpose of further improving the navigation of said bays and harbors.

VI. *And be it further enacted*, That if any person or persons shall take away, destroy, deface or remove any of the said beacons or buoys, such offender or offenders shall on due conviction thereof by the oath of one or more credible witness or witnesses before any one of His Majesty's Justices of the Peace, forfeit and pay the sum of five pounds to be recovered and applied as aforesaid, and on failure of the payment thereof, or want of goods and chattels whereon to levy; such offender or offenders shall be committed by such Justice to the County Gaol for a space of time not exceeding one month.

VII. *And be it further enacted*, That this Act shall be and continue in force for the term of five years and no longer.^a

604 No. 60.—1810, March 14: Extract from Statute of New Brunswick, 50 Geo. III, Cap. 20.

An Act, for the further regulation of Fisheries, and for preventing their decay.

Passed the 14th of March, 1810.

Whereas by an Act made and passed in the thirty-third year of His Majesty's year, intituled "An Act for regulating the Fisheries in the different rivers, coves and creeks of this Province;" it is enacted that no net shall be set in the river Saint John, below the Boar's Head, or in the harbor of Saint John, more than twenty fathoms in length: and whereas doubts have arisen as to the outward limits of the said harbor:

I. *Be it enacted by the President Council and Assembly*, That no net more than twenty fathoms in length, shall be set in any part of the said harbor on the northerly side of Partridge Island, nor within

^a Continued by 54 Geo. 3, c. 3, and 58 Geo. 3, c. 11, and made perpetual by 3 Geo. 4, c. 4.

or to the northward of straight lines to be drawn, the one from a point commonly called Black Point, on the western side of the said harbor to the most westerly point on the said Island; and the other from the most easterly point on the same island, to a point called Lower-Battery Point, on the eastern side of the said harbor, under the penalty of ten pounds for each and every offence: and no net more than thirty fathoms in length shall be set any where on the outer or southerly side of the above described limits, under the like penalty of ten pounds; and every net that shall be set in violation of this regulation shall be liable to seizure and sale, in the manner and under the conditions and regulations prescribed in the third Section of the said Act, for regulating the Fisheries in the different rivers, coves and creeks of this Province.

II. And be it further enacted, That no net shall be set at or upon the rocks commonly called Shag Rocks, lying between Partridge and Manawagonish Islands, nor shall any two nets tied or fastened together be set, nor any drift net be used for the purpose of catching fish, in the river Saint John, below the Boar's Head, nor in the harbor of Saint John, as above limited, or in any part of the river Saint Croix, within the limits of this Province, under the like penalty respectively of ten pounds for each and every offence, and the seizure and sale of the nets as aforesaid.

III. And be it further enacted, That no drift net, whether single or composed of two or more nets tied or fastened together, and of a length in the whole exceeding thirty fathoms, shall be used for taking fish above the Boar's Head in the River Saint John, or in the river Kennebeckasis, under the penalty of five pounds for each and every offence; nor shall there be used in any branch of either of the said rivers, any such net of a length exceeding in the whole one fourth part of the width of such branch respectively, under the like penalty of five pounds; nor shall any drift nets be any where made use of as aforesaid, within a less distance than thirty fathoms from each other, under the penalty of ten pounds; nor shall any net whatever remain in the water in any part of this Province, at any time between sun-set on Saturday, and sun-rise on the next ensuing Monday, under the penalty of five pounds. And all the several penalties imposed in this and the two preceding Sections (excepting the seizure and sale of nets), shall be recovered, paid and applied in like manner as is directed in and by the first Section of the herein before recited Act.

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No. 61.—1812: *Statute of Nova Scotia, 52 Geo. III, Cap. 4.*

An Act to provide for the support of a Light-House on the South end of Coffin's Island, on the eastern side of the entrance of Liverpool Harbour.

Whereas a Light-House is now erecting on the south end of Coffin's Island, on the eastern side of the entrance of Liverpool Harbour, which will be highly beneficial to all Vessels going into that Harbour: therefore,

I. Be it enacted by the Lieutenant-Governor, Council and Assembly, That so soon as the said Light-House shall be completed, and

a light kept therein, all ships and vessels which shall enter the said Harbour, shall pay the same rate of tonnage duties that are now received from, and payable by, all vessels which enter the Harbour of Halifax.

II. *And be it further enacted*, That it shall and may be lawful to collect, receive and apply, the tonnage duties imposed by this Act, in the same manner, and under the same regulations, that the said tonnage duties are now collected, received and applied, in the said Harbour of Halifax.

III. *And be it further enacted*, That the Act, passed in the thirty-third year of His late Majesty's reign, entitled, An Act for regulating and maintaining a Light-House on Sambro Island; also, an Act, passed in the twenty-eighth year of his present Majesty's reign, entitled, An Act for regulating and maintaining a Light House at the entrance of the Harbour of Shelburne, and all the several Acts which have been since made and passed, in addition to an amendment thereof, and to revive, continue, and make the same perpetual, and all the several matters and things contained therein, shall be, and the same are hereby extended to the said Light-House, on the 605 south end of Coffin's Island, and also made applicable to enforce the payment of the said tonnage duties on all vessels which enter the said Harbour of Liverpool.

IV. *And be it further enacted*, That this Act shall be and continue in force for three years from the publication thereof, and from thence to the end of the next Session of General Assembly.

No. 62.—1818, March 11: Statute of New Brunswick, 58 Geo. III, cap. 2:

An Act to Prevent the Destruction of the Cod and Scale Fisheries, in the Bays and Harbours of this Province.

[Passed the 11th of March, 1818.]

Whereas the valuable and extensive Cod and Scale fisheries of Grand Manan, and other parts of this province, have been greatly injured by throwing into the sea, the heads and other offal of such fish, for the prevention whereof,

1. *Be it enacted by the Lieutenant-Governor, Council and Assembly*, That from and after the passing of this Act, any person or persons, who shall throw on or about the coasts of Grand Manan, or into any other bay or harbour of this province, at such place or places, where such cod or scale fish are usually taken, from or out of any boat, bark, or vessel, any heads bones or other offal of the fish they may take, purchase or bring from elsewhere, every person so offending shall forfeit and pay a fine, not less than ten shillings, and not exceeding five pounds, with costs, to be paid to the informer, upon due conviction thereof, by the oath of one or more credible witness or witnesses, before any one of His Majesty's justices of the peace, for the county where, or next adjacent to which such offence shall be committed, to be levied by warrant of distress and sale of the offender's goods and chattels, rendering the overplus (if any), to such offender; and for want of sufficient goods, and chattels, the said justice is hereby required to com-

mit such offender to the common gaol of the county wherein, or next adjacent to which, such offence shall be committed, there to remain for a term not less than three days, nor exceeding twenty days.

II. *And be it further enacted*, That this Act shall continue and be in force for four years, and thence to the end of the next session of the General Assembly.^a

No. 63.—1819: *Statute of Nova Scotia, 59 Geo. III, Cap. 26.*

An Act to revive, continue and amend, an Act to provide for the support of a Light-House at the South End of Coffin's Island, on the Eastern Side of the entrance of Liverpool Harbour.

Whereas, *the said Act hath expired, and it is expedient to revive the same:*

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That an Act, passed in the fifty-second year of His Majesty's Reign, entitled, An Act to provide for the support of a Light-House on the South end of Coffin's Island on the Eastern Side of the entrance of Liverpool Harbour, and every matter, clause and thing, therein mentioned, be revived, and the same is hereby revived.

II. *And be it further enacted*, That no Ship or Vessel coming from a Foreign Port, or engaged on a coasting voyage, shall be liable to pay Light-Duty more than once upon any such voyage; but if the said Duty shall be demanded the second time, the Master of the said Vessel shall produce to the person demanding the same, the certificate of his having previously paid the Light-Duty upon the same voyage.

And Whereas, *a Light-House has been recently erected on Cranberry Island, near Canso Harbour, which will be highly beneficial to Vessels sailing to and from the Eastern Parts of the Province:*

III. *Be it therefore enacted*, That all Vessels entering into any port or ports to the Eastward, where His Excellency the Lieutenant-Governor may think proper to appoint Collectors of Light-Money, shall be subject and liable to the same rates and duties as are paid by vessels entering into the Harbour of Halifax.

IV. *And be it further enacted*, That the said Act hereby revived, together with this Act, shall be, and the same is hereby, continued in force for one year from the publication hereof, and from thence to the end of the next Session of the General Assembly.^b

606 No. 64.—1822: *Statute of Nova Scotia, 3 Geo. IV, Cap. 25.*

An Act to provide for the support of a Light-House erected on Cranberry Island, near the entrance of the Gut of Canso.

Whereas, *a Light-House has been erected at a great expense, on Cranberry Island, at the entrance of the Gut of Canso, which has been found highly useful to all vessels, passing in or out of the said*

^a Made perpetual by 3 Geo. 4, c. 2.

^b Continued by 7 Geo. IV, Cap. 29.

Gut of Canso, or navigating to or from the Harbours contiguous to the entrance into the said Gut, and it has become necessary to provide funds to support and maintain the said Building, and the Light kept therein:

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That it shall and may be lawful, for the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, to appoint and establish so many fit and proper persons as may hereafter be thought necessary, at any or all of the Harbours, Creeks and Places, within the Gulf of St. Lawrence, in the said Gut of Canso, in the Island of Cape-Breton, and in the Harbours, Creeks, and Rivers, contiguous to the entrance of the said Gut, with full powers to collect, and receive, the Duties by this Act imposed for the support of the said Light-House.

II. *And be it further enacted,* That the same Light-Duties which are now paid by vessels entering the Harbour of Halifax, shall hereafter be paid by all Ships and Vessels, of every Country, kind and descriptions, which shall enter, and come to anchor, in any Port or place, on the Gulf of Saint Lawrence, in this Province; in the Gut of Canso; Saint Andrew's Passage; the Harbour of Little Canso; Saint Peters, in the island of Cape-Breton; Arichat, or any of the Harbours of the Island of Madame: *Provided always,* That no Light-Duty for the said Light-House shall be required or paid by any Ship or Vessel entering into any of the said Harbours or Places, and anchoring therein as aforesaid, which shall have paid any Light-Duty upon the said voyage for any other Light-House within the Province.

III. *And be it further enacted,* That all the Provisions, Clauses and Regulations, mentioned and contained in an Act, passed in the thirty-third year of the Reign of His late Majesty King George the Second, entitled, An Act for regulating and maintaining a Light-House on Sambro Island; in an Act, passed in the thirty-third year of the same King's reign, entitled, An Act in addition to, and amendment of, the first before-recited Act, for regulating and maintaining a Light-House on Sambro Island; in an Act, passed in the fifty-fifth year of the reign of His late Majesty King George the Third, in addition to, and amendment of, the said first recited Act; in an Act, passed in the fifty-sixth year of the same King's Reign, entitled, An Act to authorize the appointing of Commissioners for Light-Houses; and also in an Act, passed in the fifty-ninth year of the same King's reign, entitled, An Act to revive, continue and amend, an Act to provide for the support of a Light-House at the South End of Coffin's Island, at the Eastern side of the entrance of Liverpool Harbour: and all and every other clause or provision, which regulates the Light-Houses of the Province, and provides for collecting the Light-duties, and compelling the payment thereof; and regulating the expenditure of the monies so collected, the powers of the Collectors, and the allowance for collecting, and all other matters and things relative thereto, are hereby extended to the said Light-House at Cranberry Island, and are, and shall be made, applicable to enforce and compel the payment of the Duties hereby imposed for the support of the said Light-House on Cranberry Island.

IV. *And be it further enacted,* That it shall and may be lawful for any of the said collectors, appointed by virtue of this Act, to call

to their aid, in the execution thereof, all Magistrates, Constables, and Peace Officers, and all others His Majesty's Subjects, who are hereby bound, when so required, to afford the said collector or collectors every help and assistance in their power, to compel the payment of the Duty imposed by this Act, unless the Master or Person having charge of such vessel, shall produce a Light-Bill and Receipt, or Discharge, for such Duty, from some one of the Collectors appointed to receive the same; which Light-Bills the Commissioners shall provide in proper form, and supply the said Collectors with the same; and in case the Master, Owner or Person, having charge of any such vessel, shall refuse to pay such Duty, it shall be lawful for any of the said Collectors to seize the same, and to proceed as is directed in and by the said before-recited Acts, to levy the said Duties, together with the Penalties and Forfeitures in and by the said Acts directed and imposed.

V. *And be it further enacted*, That all the rules and regulations, which are, by the before recited Acts, made applicable to Coasting and Fishing Vessels, shall be applied to the Coasting and Fishing vessels which are solely and wholly owned by any person or persons residing on the shores, and carrying on business within the limits and precincts herein before appointed for the said Light-House; and if any question shall arise respecting the Ownership of any Ship or Vessel, or whether the same be liable to the Coasting Regulations, or to the Duties to be paid by resident or nonresident Owners, the same shall be determined by the Certificate of Registry, and other Custom-house Papers.

VI. *And be it further enacted*, That all vessels that are owned by the Inhabitants of the Province, and are employed in the Fisheries during the season for Fishing, shall be deemed Fishing Vessels, within the true intent and meaning of the aforesaid Acts, and be entitled to an exemption from the payment of Light-Duties, save the twenty shillings a year, notwithstanding such Vessels may be, at other seasons, employed on Coasting voyages.

VII. *And be it further enacted*, That if any Collector or other person shall be sued for any thing done by him under this Act, it shall be lawful for him to plead the general issue, and give this Act and the special matter in evidence.

607 VIII. *And be it enacted*, That this Act shall be, and continue, in force for one year, and from thence to the end of the next Session of the General Assembly.*

No. 65.—1823, March 27: *Statute of New Brunswick, 4 Geo. IV, Cap. 23.*

An Act in further amendment of the Laws for regulating the Fisheries in the County of Northumberland.

[*Passed the 27th of March, 1823.*]

Whereas the Provisions and Penalties in An Act made and passed in the Thirty-ninth Year of the Reign of His Late Majesty King George The Third, intituled "An Act for regulating the Fisheries in the County of Northumberland," have been found ineffectual—

* Continued by 6 Geo. IV, Cap. 26, with amendments, and both Acts continued by 7 Geo. IV. Cap. 27.

I. Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly, that the Second Section of the said Act, be, and the same is hereby repealed.

II. And be it further enacted, That if any person or persons from and after the passing of this Act, shall erect or set up any Hedge, Wear, Fish Garth, or other incumbrance, or place any Seine or Seines, Net or Nets, in the River or Bay of Miramichi, or its Branches, except as is provided for in the said Act, and also in the Act made and passed in the fifty-sixth Year of the Reign of His late Majesty King George the Third, intituled "An Act in amendment of an Act intituled An Act for regulating Fisheries in the County of Northumberland," such person or persons so offending, shall forfeit and pay for each and every offence, the sum of Ten Pounds, upon conviction thereof upon the Oath of one or more credible Witness, or Witnesses, before any Two of His Majesty's Justices of the Peace for the said County, and levied by warrant of distress and sale of the offender's Goods and Chattels, rendering the overplus, if any, after deducting the Costs and Charges, to such offender; and for want of sufficient goods and chattels whereon to levy the said fine, such offender or offenders shall be imprisoned, without Bail or mainprize for a term not less than Ten days, and not exceeding twenty days; one half of which Penalties shall, on conviction, to [sic] be paid to the informer, and the other half to the Overseers of the Poor of the Town or Parish where such offence shall be committed, to be applied to the use of the Poor of such Town or Parish.

III. And be it further enacted, That the said herein-before recited Acts, excepting wherein the same are hereby altered and amended, together with this Act, shall continue and be in force Five Years, and thence to the end of the next Session of the General Assembly.

No. 66.—1824, March 9: Extract from Statute of Lower Canada, 4 Geo. IV, cap. 1.

An Act for the better Regulation of the Fisheries in the Inferior District of Gaspé, and in the Counties of Cornwallis and Northumberland.

[9th March, 1824.]

Whereas the fisheries, in the inferior district of Gaspé, and in the counties of Cornwallis and Northumberland, are of great importance to the trade of this province: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the government of the province of Quebec, in North America'; and to make further provision for the government of the said province"; and it is hereby enacted, by the authority of the same, that all and every His Majesty's subjects, shall peaceably

have, use and enjoy the freedom of taking bait, and of fishing in any river, creek, harbour or road, with liberty to go on shore on any part within the inferior district of Gaspé, and in the county of Cornwallis, and in such part of the county of Northumberland as lies to the eastward of Cape Tourmente, for the purpose of salting, curing and drying their fish; to cut wood for making and repairing stages, flakes, hurdles, cook-rooms, and other purposes necessary for preparing their fish for exportation, or that may be useful to their fishing trade, without hindrance, interruption, denial or molestation from any person or persons whomsoever. Provided such river, creek, harbour or road, or the land upon which such wood may be cut, doth not lie within the bounds of any private property, by grant from His Majesty, or other title proceeding from such grant by His Majesty, or by grant made prior to the year one thousand seven hundred and sixty, or held under and by virtue of any location certificate, or title derived from any such location certificate, or in virtue of any title derived under any act of the Legislature of this province.

608 II. And be it further enacted by the authority aforesaid, that the master or commander of any vessel fitted out from the United Kingdom of Great-Britain and Ireland, or the dominions thereunto belonging, as well as all other subjects of His Majesty, may take possession of so much of the unoccupied beach, within the aforesaid inferior district of Gaspé, and in the county of Cornwallis, and in such parts of the county of Northumberland as lies to the eastward of Cape Tourmente, as may be necessary for curing his fish, and preparing it for exportation; and to retain and enjoy the same, so long as he shall not leave it unoccupied for the space of twelve calendar months; in which case it shall be lawful for any other person or persons to take possession thereof, in part or the whole, for the same purposes, and on the same condition. Provided that such beach be not private property, by grant from His Majesty, or other title proceeding therefrom, or by grant prior to the year one thousand seven hundred and sixty, or held under and by virtue of any location certificate or title derived therefrom, or in virtue of any title derived under any Act of the legislature of this province. Provided also, that such new occupier shall, when thereunto required by the preceding possessor or his lawful attorney, the demand being made within one year after possession taken, pay him, *à dire d'experts*, for such parts of the flakes and stages as such new occupier shall have taken possession of. And provided further, that the said preceding possessor, not having been paid as aforesaid, may remove any building, or other improvement, erected or made by him on the unoccupied beach as aforesaid, so that such removal be not made during and before the close of the fishing season, in which the new occupier shall have taken possession.

III. And be it further enacted by the authority aforesaid, that no ballast, or any thing else injurious or hurtful to any of the rivers, harbours or roads within the said district of Gaspé, or in the said county of Cornwallis, or in such part of the county of Northumberland as lies to the eastward of Cape Tourmente, shall be thrown out of any vessel, or discharged into any stream, basin or road in the said inferior district, or counties aforesaid, but that the same shall be carried on shore, and deposited where no public or private injury may be sustained thereby. Nor shall any person or persons throw

any fish-guts, offals or gurry overboard, within the distance of six leagues from the shore and islands of the inferior district of Gaspé, and counties of Cornwallis and Northumberland aforesaid, nor on any fishing bank, under the penalty of twenty pounds, current money of this province.

IV. And be it further enacted by the authority aforesaid, that no person or persons shall cast anchor near the shore, or do any thing within the aforesaid limits, so as wilfully to annoy or obstruct the hauling of seines, or to obstruct or prevent the setting of nets, nor shall any nets be wilfully set or placed, so as to prevent or obstruct the hauling of seines, under the penalty of five pounds, current money of this province, for every such offence, exclusive of such damages as may be recovered at law, by the proprietor or proprietors of the seines or nets which may be thereby injured or destroyed. Provided always, that no such nets or seines as aforesaid shall be set or used so as to incommodate or obstruct the navigation or anchorage in any harbour, roadstead, cove or place necessary for the common purposes of navigation.

* * * * *

VI. And whereas it is necessary to prevent the pernicious custom of destroying and using caplin for the purposes of manure, a custom injurious to the fisheries of the said inferior district; be it therefore further enacted by the authority aforesaid, that any person or persons who shall, in the said inferior district of Gaspé, or in either of the aforesaid counties of Cornwallis or Northumberland, to the eastward of Cape Tourmente, make use of any caplin, or of herring spawn or caplin spawn, for the purposes of manure, or who shall take or destroy any caplin, or herring spawn or caplin spawn, for the purposes aforesaid, or for any other purpose than that of using the same as bait, or curing the same, or for the consumption of themselves, their families, neighbours or dependants, or to be sent fresh to market, shall incur a penalty of two pounds for every such offence, and stand committed until such penalty be paid, and for a second and every subsequent offence, a penalty of four pounds.

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XVIII. And be it further enacted by authority aforesaid, that it shall be lawful for the several grand juries for the said inferior district of Gaspé, at their general sessions of the peace, upon the recommendation and with the concurrence of the justices of the peace attending the session, or a majority of them, to make for the temporary and local regulation of the fisheries in the said inferior district, such further rules and regulations as to them shall appear most expedient, for the general welfare and advantage of the said fisheries, not being contrary to the intent and meaning of this Act.

XIX. Provided always and be it further enacted by the authority aforesaid, that no rule or regulation that may be so as aforesaid made, shall have force or effect until the same shall have been approved and homologated by the judge of the inferior district of Gaspé, and thereafter duly notified by an advertisement publicly posted up by the clerk of the peace in and for the said inferior district; whose duty it shall be to attend to the same, and see or cause such advertisement to be duly posted up as hereby directed and enacted, with the least possible delay, at the church door of each and every church, chapel, or other

place of divine service, in the said inferior district of Gaspé, or at the most public places of each and every settlement in the said inferior district, where the fisheries are carried on, in case there should be no such church, chapel, or other place of divine service as aforesaid. And provided also, that no fine to be imposed by such rules or regulations, shall, in any case, exceed the sum of twenty shillings, currency; and that no rule or regulation that may at any time be made, under and in virtue of this Act, shall have force or effect after the expiration of this Act. And a copy of the rules and regulations that may

as aforesaid be made and confirmed, under and in virtue of this
609 Act, shall, at the ensuing session of the Legislature, be laid before the three branches of the same, by the clerk of the provincial court of the said inferior district, within one month after the opening of the session.

* * * * *

XXV. And be it further enacted by the authority aforesaid, that from and after the first day of September, one thousand eight hundred and twenty-four: no pickled or salted salmon, mackerel or herring of any kind, in tierces, half-tierces, barrels or half-barrels, shall be exported from the said inferior district, nor from either of the said counties of Cornwallis or Northumberland to the east of Cape *Tourmente*, nor shipped for exportation therefrom, unless the name of the shipper, with the year of shipment, of the person owning, or of the person having salted, cured or packed the same in such tierces, half-tierces, or barrels, half-barrels, be branded in large and legible letters and figures on the heads or butts of the several tierces, half-tierces, barrels or half-barrels, that may be so as aforesaid shipped for exportation; and when such salmon, mackerel, or herring, in tierces, half-tierces, barrels or half-barrels, shall be shipped from that part of the said inferior district, lying in the Baie des Chaleurs, the words *Baie des Chaleurs* shall also be branded upon the same, respectively, in large and legible letters, immediately under the name of the shipper or owner, or person having salted, cured and packed the fish aforesaid. And when shipments of such salmon, mackerel or herring, as aforesaid, shall be made for exportation as aforesaid, from any part of the said inferior district, eastward of Point Mackerel, at the entrance of the aforesaid *Baie des Chaleurs*, the word *Gaspé* shall, instead of the words *Bay Chaleurs*, in like manner be branded on the heads or butts of the several tierces, half-tierces, barrels or half-barrels, that may be shipped, under the penalty of seizure and forfeiture of each and every tierce, half-tierce, barrel or half-barrel, of pickled or salted salmon, mackerel or herring, that shall be shipped in disobedience to this Act, for exportation, from the said inferior district of Gaspé.

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XXXVII. And be it further enacted by the authority aforesaid, that between the service and return of every such Summons as aforesaid, there shall at least be three intermediate days, and one additional day for every five leagues there may be between the place of residence of the Justice of the Peace, or place where the Court may be held, and the usual residence or domicile of the Defendant.

XXXVIII. Provided always, and be it further enacted by the authority aforesaid, that in cases where the offender may not be resident in the said Inferior District, or of either of the said Counties

wherein the offence may be committed, and circumstances may render it expedient to enforce, without delay, the penalties by this Act imposed, it shall be lawful for any Justice of the Peace before whom the plaint or information may have been lodged, to issue a Summons, returnable before him immediately after service thereof, or within such reasonable time as he shall by the said Summons appoint; and if, on the return of such summons, or at the time thereby appointed, the Defendant shall not appear to answer thereto, the Justice of the Peace who may have issued such Summons, on receiving satisfactory proof of the service thereof upon the Defendant, shall proceed in a summary manner to receive evidence of and concerning the offence alleged against the Defendant, and if such evidence be sufficient to warrant a conviction, such Justice of the Peace shall forthwith, after entry of the conviction in a register to be by him kept for the purpose, be authorised and empowered to enforce the same according to the provisions of this Act.

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XLVII. And be it further enacted by the authority aforesaid, that this Act shall continue and be in force until the first day of May, in the year of our Lord one thousand eight hundred and twenty-nine, and no longer.

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No. 67.—1829, February 10: *Statute of New Brunswick, 9 and 10 Geo. IV, Cap. 3.*

An Act to continue the Laws for regulating the Fisheries in the County of Northumberland.

[Passed 10th February, 1829.]

Be it enacted by the Lieutenant-Governor, Council and Assembly, That a certain act passed in the thirty-ninth year of the reign of His late Majesty King George the third, intituled "An Act for regulating the Fisheries in the County of Northumberland;" and also a certain other Act passed in the fifty-sixth year of the reign of His said Majesty, intituled, "An Act in amendment of an Act intituled, 'An Act for regulating the Fisheries in the County of Northumberland;'" and also a certain other Act passed in the fourth year of the Reign of His present Majesty, intituled, "An Act in further amendment of the Laws for regulating the fisheries in the County of Northumberland;" so far as the said several Acts are now in force, be, and the same are hereby continued and declared to be in force until the tenth day of May, which will be in the year of our Lord one thousand eight hundred and thirty-four.

610 No. 68.—1829, March 14: *Extract from Statute of Lower Canada, 9 Geo. IV, cap. 42.*

An Act relating to the Fisheries in the County of Gaspé.

(14th March, 1829.)

Whereas an Act passed in the fourth year of His Majesty's reign, chapter first, for regulating the fisheries in the inferior district of Gaspé, and in the counties of Cornwallis and Northumberland, will

expire on the first of May next, and whereas it is expedient that certain provisions to take effect immediately after the expiration of the said Act, should again be made to be in force for a limited time thereafter, for the preservation and promotion of the fisheries in the said county of Gaspé: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, *"An Act for making more effectual provision for the government of the Province of Quebec in North America,"* and to make further provision for the government of the said Province." * * * *

IV. And be it further enacted by the authority aforesaid, that it shall be lawful for the several Grand Juries in the said County, at the general Sessions of the Peace, upon the recommendation and with the concurrence of the Justices of the Peace, or a majority of them, to make for the temporary and local regulation of the Fisheries, and of the fishermen and persons employed about the same, such rules and regulations, not contrary to this Act, or to any law in force in this Province, as to them shall appear conducive to the advantage of the said Fisheries; Provided always, that no fine, penalty or forfeiture imposed by any rule or regulation so made shall exceed in amount twenty shillings, currency, nor have force or effect beyond the duration of this Act: And provided also that no rule or regulation so made shall be binding or have force or effect, until the same shall have been publicly posted up at the door of the church or chapel, and where there is no church or chapel, then at the most public place of the settlement where the rule or regulation is intended to have effect, nor until such other requisites as the Justices of the Peace in Session aforesaid, for the full information of the public, may order, have been duly complied with, and certified as such by the Clerk of the Peace. Provided nevertheless, that all rules and regulations which shall be so made by virtue of this Act, shall be laid before the three Branches of the Provincial Legislature, within one year after making of the same, and that such only of the said rules and regulations shall afterwards remain in force as shall be approved and confirmed by Act of the Provincial Parliament, and all other of the said rules and regulations not so approved and confirmed shall cease and determine at the close of the Session of the Legislature during which the same shall have been laid before the three Branches thereof.

VIII. And be it declared and further enacted by the authority aforesaid, that all and every His Majesty's subjects shall peaceably have use and enjoy the freedom of taking bait and of fishing in any river, creek, harbour or road, with liberty to go on shore on any part within the said county for the purpose of salting, curing and drying their fish, to cut wood for making and repairing stages, flakes, hurdles, cook rooms and other purposes necessary for preparing their fish for exportation, or that may be useful to their fishing trade without the hindrance, interruption, denial or molestation from any per-

son or persons whomsoever. Provided such river, creek, harbour or road or the land upon which such wood may be cut doth not lie within the bounds of any private property by grant from His Majesty or other title proceeding from such grant by His Majesty, or by grant made prior to the year one thousand seven hundred and sixty, or held under and by virtue of any location certificate, or title derived from any such location certificate, or by virtue of any title derived under any Act of the Legislature of this province.

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XIX. And be it further enacted by the authority aforesaid, that this Act shall be in force until the first day of May, in the year of our Lord, one thousand eight hundred and thirty-three, and no longer.

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No. 69.—1832, March 9: Extract from Statute of New Brunswick, 2 William IV, Cap. 9.

AN ACT To provide for maintaining Light Houses within the Bay of Fundy.

[Passed 9th March 1832.]

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the tenth and eleventh years of the reign of his late majesty King George the Fourth, intituled

An Act to repeal all the Acts now in force relating to the light house on Partridge Island, and to make provision for the future support thereof, and of other Light Houses at the entrance of the harbour of Saint John; and also an Act made and passed in the same year, intituled An Act to provide for the maintenance of the Light House established upon the Island of Campo Bello, near Head Harbour, in the County of Charlotte, be and the same are hereby repealed.

II. And be it further enacted, That there be and is hereby granted to His Majesty, his heirs and successors, for the support of the several light houses now erected, or which may be hereafter erected, upon any of the coasts of the Bay of Fundy, or upon any of the islands or rocks in or adjacent thereto, a duty of four pence per ton for each and every ton which each and every vessel (excepting coasters and fishing vessels, new vessels not registered, and vessels proceeding to any of the ports of the United States within the Bay of Passamaquody), shall admeasure agreeably to their registers, which may arrive in any port or place within the Bay of Fundy from any port or place without the limits hereinafter described for coasters; and for registered coasters and fishing vessels under thirty five tons a duty of twelve shillings *per annum*; from thirty five to fifty tons twenty five shillings *per annum*; from fifty to seventy five tons thirty shillings *per annum*; and for all such vessels over seventy five tons thirty five shillings *per annum*.

III. And be it further enacted, That all the light duties imposed in and by the second section of this Act, shall be paid by the Master, Owner or Consignee of each and every vessel, at the time of the arrival of such vessel at any port or place within the Bay of Fundy,

to the Treasurer of the Province, or to any Deputy Treasurer at or near the port or place where such vessel may arrive, who are hereby severally authorized and required to demand and receive the same; and upon the neglect or refusal of any Master or person having charge, or of any Owner or Consignee of any such vessel so arriving as aforesaid, to pay the duties imposed by this Act, the same shall be recovered upon application to any one of His Majesty's Justices of the Peace at or near the place where such neglect or refusal shall take place, and levied by warrant of distress under the hand and seal of such Justice and sale of the guns, boats, tackle, apparel and furniture of such vessel, and the overplus (if any) after deducting costs of such distress and sale shall be paid to the Master or person having charge of such vessel.

IV. And be it further enacted, That all vessels which are wholly employed in the bay of Fundy, on either side thereof, as far southerly as Cape Sable and including Grand Manan, whether belonging to New Brunswick or Nova Scotia, shall be deemed coasters within the meaning of this Act; and all vessels which are generally employed in fishing on any of the fishing grounds upon the coasts of the British Provinces or Newfoundland, and when not so employed shall be otherwise wholly employed within the said bay of Fundy, and the limits prescribed for coasters, shall be deemed fishing vessels within the meaning of this Act: Provided always, that all such vessels making a voyage to any port or place without the said bay and limits aforesaid shall, upon their arrival at any port or harbour in the said bay of Fundy, from or after such voyage, be liable to the same duties as vessels which are not deemed coasters or fishing vessels, and upon the payment of such duty, agreeably to the tonnage of such vessel, the Master or person having charge of such vessel may on payment of the annual duty imposed upon coasters and fishing vessels receive a new coasting receipt, which the Treasurer or Deputy Treasurer, as the case may be, is hereby required to give; which receipt shall excuse such vessel from the payment of any further light duty until the first day of January next following the date thereof, unless the said vessel shall again sail beyond the limits prescribed for coasting and fishing vessels, in which case such vessel shall upon her arrival again from without such limits be again liable to the tonnage light duty, and may again, upon payment of the annual duty, resume her character as a coaster, and so on as often as such cases may happen: Provided also, that no vessel shall be deemed or taken to be a coasting or fishing vessel until the Master or person having charge shall have paid the annual duty imposed by this Act, and received a receipt for the same.

V. And be it further enacted, That receipts given by the treasurer or any deputy treasurer for the annual duty upon any coaster or fishing vessel, which receipt the said treasurer or deputy treasurer is hereby required to give, shall exempt such vessel from the payment of any further duty (except when such vessel shall have sailed beyond the limits prescribed for coasters and fishing vessels) until the first day of January following, after which date they shall be liable, upon their first arrival at any port or place within the Bay of Fundy, to the payment of the annual duty imposed in and by the second section of this Act.

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No. 70.—1833, March 19: Statute of New Brunswick, 3 William IV,
Cap. 30.

An Act to amend an Act to provide for maintaining Light Houses within the Bay of Fundy.

[Passed 19th March 1833.]

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That the second section of an Act made and passed in the second year of His Majesty's reign, intituled *An Act to provide for maintaining Light Houses within the Bay of Fundy*, be and the same is hereby repealed.

II. And be it enacted, That there be and are hereby granted to the King's most excellent Majesty, his Heirs and Successors, for the support of the several Light Houses already erected or which may hereafter be erected upon any of the coasts of the bay of Fundy, or upon any of the islands or rocks in or adjacent thereto, a duty of four pence per ton for each and every ton which each and every vessel shall

admeasure agreeably to their registers, which shall arrive at
612 any port or place within the bay of Fundy, excepting coasters and fishing vessels and new vessels not registered; and for registered coasters and fishing vessels as defined and described in and by the Act to which this Act is in amendment, when under thirty five tons, twelve shillings *per annum*; from thirty five to fifty tons, twenty five shillings *per annum*; from fifty to seventy five tons, thirty shillings *per annum*; and for all such vessels over seventy five tons, thirty five shillings *per annum*; Provided always, that vessels arriving from any port or place without the Bay of Fundy shall not be liable to pay the duties herein imposed more than once, notwithstanding they may in order to complete their voyages have occasion to visit several ports or places within the said bay; and provided also, that no ship or vessel shall be liable to pay the light duties herein imposed more than six times in any one year.

III. And be it enacted, that the several rates and duties imposed by this Act shall be levied, collected, paid, received, recovered and applied as directed in and by the provisions of the Act to which this Act is an amendment.

No. 71.—1834, March 22: Statute of New Brunswick, 4 William IV,
Cap. 31.

An Act further to continue the Laws relating to the Fisheries in the County of Northumberland.

[Passed 22d March 1834.]

“Whereas the laws now in force regulating the Fisheries in the County of Northumberland will expire on the Tenth day of May next;”

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Thirty ninth year of the reign of His late Majesty King George the Third, intituled *An Act for regulating the Fisheries in the County of Northumberland*; and also an Act made and passed in the Fifty sixth

year of the same reign, intituled *An Act in Amendment of an Act, intituled An Act for regulating the Fisheries in the County of Northumberland*; and also an Act made and passed in the Fourth year of the reign of His late Majesty King George the Fourth, intituled *An Act in further amendment of the Laws for regulating the Fisheries in the County of Northumberland*, so far as the said Several Acts are now in force, be and the same are hereby continued and declared to be in force until the Tenth Day of May which will be in the year of our Lord One thousand eight hundred and thirty six.

No. 72.—1834, March 31: Extract from Statute of Nova Scotia,
4 William IV, Cap. 25.

An Act for the support and regulation of Light-Houses.

[Passed the 31st Day of March, 1834.]

Be it enacted, by the President, Council and Assembly, That hereafter every ship or vessel, coming into any port or place in this province, from any port or place out of this province (save and except such ships and vessels as may be hereinafter particularly exempted, or such ships and vessels as are hereinafter mentioned, and upon which other specific duties are imposed,) shall pay a duty of four pence per ton for each and every ton of the registered burthen of such ship or vessel.

II. Provided always, and be it further enacted, That no such ship or vessel shall be required or liable to pay such duty more than once, and but at one port or place in this province in the course of one and the same voyage; but if such duty be demanded a second time in any other port or place, having been already paid, the master or other person having charge of such the said ship or vessel, shall produce to the person demanding the same, the certificate from the collector or other person entitled to receive the same, that such duty has already been paid at some port or place in this province, during the same voyage in which the said ship or vessel may then be engaged.

III. And be it further enacted, That all Coasting Vessels and Fishing Vessels shall pay annually as follows, that is to say—if not over Twenty Tons, registered burthen, Ten Shillings; if over Twenty Tons and not more than Fifty Tons, registered burthen, Twenty Shillings; and if over Fifty Tons and not above Seventy-Five Tons, registered burthen, thirty Shillings; and if over Seventy-five Tons, and not above One Hundred Tons registered burthen, Forty Shillings; and if over One Hundred Tons, and not more than One Hundred and Fifty Tons, registered burthen, Fifty Shillings; and if over One Hundred and Fifty Tons, registered burthen, Sixty Shillings, to be paid in each and every year as hereinafter directed.

IV. And be it further enacted, That no ship or vessel shall be deemed or taken to be a Coasting or Fishing Vessel, unless such ship or vessel shall be actually and wholly engaged and employed in the Fisheries, or in the Coasting Trade of this Province, or partly in the Fisheries, and partly in the Coasting Trade, and not otherwise.



XIV. *And be it further enacted*, That no ship or vessel shall be permitted or suffered to clear out at the Custom-House, from any port, harbor, out-port or place in this Province, until the 613 master or Commander, or other person having charge or command of such ship or vessel, shall produce and exhibit to the Collector or other Officer of His Majesty's Customs, at the said port, harbor, out-port or place, a Certificate signed by the Collector authorized to collect the same, that the Duty or Duties hereby imposed on such ship or vessel have been fully paid and discharged.

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No. 73.—1836, March 12: *Statute of Nova Scotia, 6 William IV, Cap. 8.*

An Act relating to the Fisheries, and for the Prevention of Illicit Trade in the Province of Nova-Scotia, and the Coasts and Harbors thereof.

[*Passed the 12th day of March, 1836.*]

Whereas, by the Convention made between His late Majesty King George the Third and the United States of America, signed at London, on the Twentieth day of October, in the Year of Our Lord One Thousand Eight Hundred and Eighteen; and the Statute made and passed in the Parliament of Great Britain, in the Fifty-ninth Year of the Reign of His late Majesty King George the Third, all Foreign Ships, Vessels or Boats, or 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, found fishing, or to have been fishing, or preparing to fish, within certain distances of any Coasts, Bays, Creeks or Harbours whatever, in any part of His Majesty's Dominions in America, not included within the limits specified in the first article of the said Convention, are liable to seizure; *And whereas*, the United States did, by the said Convention, renounce forever any liberty enjoyed or claimed by the Inhabitants thereof, to take, dry or cure fish on or within three Marine Miles of any of the Coasts, Bays, Creeks or Harbours of His Britannic Majesty's Dominions in America, not included within the above mentioned limits; *Provided however*, that the American fishermen should be admitted to enter such Bays or Harbours for the purpose of shelter, and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever, but under such restrictions as might be necessary to prevent their taking, drying or curing Fish therein, or in any other manner whatever abusing the privileges thereby reserved to them; *And whereas*, no rules or regulations have been made for such purpose, and the interests of the Inhabitants of this Province are materially impaired; *And whereas*, the said Act does not designate the persons who are to make such seizure as aforesaid—and it frequently happens that persons found within the distances of the Coasts aforesaid, infringing the articles of the Convention aforesaid, and the enactments of the statute aforesaid, on being taken possession of, profess to have come within said limits for the purpose of shelter, and repairing damages therein, or to purchase wood and obtain water, by which the law is evaded, and the vessels and

cargoes escape confiscation, although the cargoes may be evidently intended to be smuggled into this Province, and the Fishery carried on contrary to said Convention and Statute:

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That, from and after the passing of this Act, it shall be lawful for the Officers of His Majesty's Customs, the Officers of Impost and Excise, the Sheriffs and Magistrates throughout this Province, and any person holding a Commission for that purpose from His Excellency the Lieutenant-Governor for the time being, to go on board any Ship, Vessel or Boat, within any Port, Bay, Creek or Harbour, in this Province; and also, to go on board of any Ship, Vessel or Boat, hovering within three Marine Miles of any of the Coasts, Bays, Creeks or Harbours thereof, and in either case freely to stay on board such Ship, Vessel or Boat, as long as she shall remain within such Port or distance, and if any such Ship, Vessel or Boat, be bound elsewhere, and shall continue so hovering for the space of twenty-four hours, after the Master shall have been required to depart, it shall be lawful for any of the above enumerated Officers or persons to bring such Ship, Vessel or Boat, into Port, and to search and examine her cargo, and to examine the Master upon oath, touching the Cargo and Voyage, and if there be any Goods on board prohibited to be imported into this Province, such Ship, Vessel or Boat, and the Cargo laden on board thereof, shall be forfeited, and if the said Ship, Vessel or Boat, shall be Foreign, and not navigated according to the Laws of Great-Britain and Ireland, and shall have been found Fishing, or preparing to Fish, or to have been Fishing, within such distance of such Coasts, Bays, Creeks or Harbours of this Province, such Ship, Vessel or Boat, and their respective Cargoes, shall be forfeited; and if the Master or person in command thereof shall not truly answer the questions which shall be demanded of him in such examination, he shall forfeit the sum of One Hundred Pounds.

II. *And be it further enacted,* That all Goods, Ships, Vessels and Boats, liable to forfeiture under this Act, shall and may be seized and secured by any such Officer of His Majesty's Customs, Officer of Impost and Excise, Sheriffs, Magistrates or other person holding such Commission, as aforesaid, and every person who shall in any way oppose, molest or obstruct, any Officer of the Customs, Officer of Impost and Excise, Sheriff, Magistrate or other person so commissioned and employed as aforesaid, in the exercise of his office, or shall in any way oppose, molest or obstruct any person acting in aid or assistance of such Officer of the Customs, Officer of Impost and Excise, Sheriff, Magistrate, or other person so commissioned and employed as aforesaid, shall, for every such offence, forfeit the sum of Two Hundred Pounds.

614 III. *And be it further enacted,* that all Goods, Ships, Vessels and Boats, which shall be seized, as being liable to forfeiture under this Act, shall be taken forthwith and delivered into the custody of the Collector and Comptroller of the Customs, at the Custom-House next to the place where the same were seized, who shall secure and keep the same in such manner as other Vessels and Goods seized are directed to be secured by the Commissioners of His Majesty's Customs.

IV. *And be it further enacted*, That all Goods, Ships, Vessels, Boats or other thing, which shall have been condemned as forfeited under this Act, shall, under the direction of the principal Officer of the Customs or Excise, where such seizures shall have been secured, be sold by Public Auction to the best bidder, and the produce of such sale shall be applied as follows, that is to say:—the amount chargeable for the custody of said Goods, Ship, Vessel, Boat or any other thing so seized as aforesaid, shall be first deducted and paid, and the residue divided into two equal Moieties, one of which shall be paid to the Officer or other person or persons legally seizing the same, without deduction, and the other Moiety to the Government, and paid into the Treasury of this Province, all costs incurred having been first deducted therefrom. *Provided always*, that it shall be lawful for the Commissioners of the Revenue to direct that any of such things shall be destroyed or reserved for the public service.

V. *And be it further enacted*, That all penalties and forfeitures which may be hereafter incurred under this Act, shall and may be prosecuted, sued for and recovered, in the Court of Vice-Admiralty, having jurisdiction in this Province.

VI. *And be it further enacted*, That if any Goods, or any Ship, Vessel or Boat, shall be seized as forfeited under this Act, it shall be lawful for the Judge or Judges of any Court, having jurisdiction to try and determine such seizures, with the consent of the person seizing the same, to order the delivery thereof, on Security by Bond, with two sufficient Sureties, to be first approved by such seizing Officer or Person, to answer double the value of the same in case of condemnation, and such Bond shall be taken to the use of His Majesty, in the name of the Collector of the Customs in whose custody the Goods or Ship, Vessel or Boat, may be lodged, and such Bond shall be delivered and kept in the custody of such Collector, and in case the Goods or the Ship, Vessel or Boat, shall be condemned, the value thereof shall be paid into the hands of such Collector, who shall cancel such Bond, and distribute the Money paid in such manner as above directed.

VII. *And be it further enacted*, That no Suit shall be commenced for the recovery of any penalty or forfeiture under this Act, except in the name of His Majesty, and shall be prosecuted by His Majesty's Advocate or Attorney-General, or in his absence by the Solicitor-General for this Province, and if any question shall arise whether any person is an Officer of the Customs, Excise, Sheriff, Magistrate, or other person authorized to seize as aforesaid, *viva voce* evidence may be given of such fact, and shall be deemed legal and sufficient evidence.

VIII. *And be it further enacted*, That if any Goods, Ship, Vessel or Boat, shall be seized for any cause or forfeiture under this Act, and any dispute shall arise, whether the same have been lawfully seized, the proof touching the illegality thereof shall lie on the owner or claimant of such Goods, Ship, Vessel or Boat, and not on the Officer or person who shall seize and stop the same.

IX. *And be it further enacted*, That no claim to any thing seized under this Act, and returned into His Majesty's Court of Vice-Admiralty for adjudication, shall be admitted, unless such claim be entered in the name of the Owner, with his residence and occupation, nor unless oath to the property in such thing be made by the owner

or by his Attorney or Agent by whom such claim shall be entered, to the best of his knowledge and belief, and every person making a false oath thereto shall be deemed guilty of a misdemeanor, and shall be liable to the pains and penalties to which persons are liable for a misdemeanor.

X. *And be it further enacted,* That no person shall be admitted to enter a claim to any thing seized in pursuance of this Act, and prosecuted in this Province, until sufficient security shall have been given, in the Court where such seizure is prosecuted, in a penalty not exceeding Sixty Pounds, to answer and pay the costs occasioned by such claim, and in default of giving such security such things shall be adjudged to be forfeited, and shall be condemned.

XI. *And be it further enacted,* That no Writ shall be sued out against, nor a copy of any Process served upon, any Officer of the Customs, Excise, Sheriff, Magistrate, or other person authorized to seize as aforesaid, for anything done in the exercise of his office, until one calendar month after notice in writing shall have been delivered to him or left at his usual place of abode, by the Attorney or Agent of the Party who intends to sue out such Writ or Process, in which notice shall be clearly and explicitly contained the cause of action, and the name and place of abode of the Attorney or Agent, and no evidence of the cause of such action shall be produced, except of such as shall be contained in such notice, and no verdict shall be given for the Plaintiff unless he shall prove on the trial that such notice was given, and in default of such proof, the Defendant shall receive in such action a verdict and costs, or judgment of nonsuit shall be awarded against the Plaintiff, as the Court shall direct.

XII. *And be it further enacted,* That every such action shall be brought within three calendar months after the cause thereof, and shall be laid and tried in any of His Majesty's Courts of Record in this Province, and the Defendant may plead the general issue, and give the special matter in evidence; and, if the Plaintiff shall become non-suited, or shall discontinue the Action, or if, upon a verdict or demurrer, judgment shall be given against the Plaintiff, the Defendant shall receive rebel costs, and have such remedy for the same as any Defendant can have in other cases where costs are given by Law.

XIII. *And be it further enacted,* That in case any Information or Suit shall be brought to Trial, on account of any seizure made 615 under this Act, and a verdict shall be found for the Claimant thereof, and the Judge or Court before whom the Cause shall have been tried, shall certify on the Record that there was probable cause of seizure, the Claimant shall not be entitled to any costs of Suit, nor shall the person who made such seizure be liable to any Action, Indictment or other Suit or Prosecution, on account of such seizure, and if any Action, Indictment or other suit or prosecution, shall be brought to Trial against any person on account of such seizure, wherein a verdict shall be given against the Defendant, the Plaintiff, besides the thing seized, or the value thereof, shall be entitled to no more than Two Pence damages, nor to any costs of Suit, nor shall the Defendant in such Prosecution be fined more than One Shilling.

XIV. *And be it further enacted,* That it shall be lawful for any such Officer of the Customs, Excise or Sheriff, or Magistrate, or other Person authorized to seize as aforesaid, within one calendar

month after such notice, to tender amends to the party complaining or his Agent, and to plead such tender in bar to any Action, together with other Pleas, and if the Jury shall find the amends sufficient they shall give a verdict for the Defendant, and in such case, or in case the Plaintiff shall become non-suit, or shall discontinue his Action, or Judgment shall be given for the Defendant upon demurrer, then such Defendant shall be entitled to the like costs as he would have been entitled to in case he had pleaded the general issue only: *Provided always*, that it shall be lawful for such Defendant, by leave of the Court where such Action shall be brought, at any time before or after issue joined, to pay money into Court as in other Actions.

XV. *And be it further enacted*, That in any such Action, if the Judge or Court before whom such Action shall be tried, shall certify upon the record that the Defendant or Defendants in such Action acted upon probable cause, then the Plaintiff in such Action shall not be entitled to more than Two Pence damages, nor to any costs of Suit.

XVI. *And be it further enacted*, That all Actions or Suits for the recovery of any of the penalties of forfeitures imposed by this Act, may be commenced or prosecuted at any time within three years after the offence committed, by reason whereof such penalty of forfeiture shall be incurred, any law, usage or custom, to the contrary notwithstanding.

XVII. *And be it further enacted*, That no appeal shall be prosecuted from any decree or sentence of any of His Majesty's Courts in this Province, touching any penalty or forfeiture imposed by this Act, unless the Inhibition shall be applied for and decreed within twelve months from the time when such decree or sentence was pronounced.

XVIII. *And be it further enacted*, That this Act shall not go into force or be of any effect until His Majesty's assent shall be signified thereto, and an order made by His Majesty, in Council, that the clauses and provisions of this Act shall be the rules, regulations and restrictions, respecting the Fisheries on the Coasts, Bays, Creeks or Harbours, of the Province of Nova-Scotia.^a

No. 74.—1836, March 21: Extract from Statute of Lower Canada, 6 William. IV, cap. 57.

An Act for the better Regulation of the Fisheries in the Inferior District of Gaspé.

[21st March, 1836.]

Whereas the Fisheries in the Inferior District of Gaspé are of great importance to the Trade of this Province:—Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, “An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, “*An Act for*

^a See British order in council of July 6, 1836, Appendix, p. 571.

making more effectual provision for the Government of the Province of Quebec, in North America," and to make further provision for the Government of the said Province";—and it is hereby enacted by the authority of the same, that all and every His Majesty's subjects, shall peaceably have, use and enjoy the freedom of taking bait, and of fishing in any river, creek, harbour or road, with liberty to go on shore on any part within the Inferior District of Gaspé, between Cape Chat, on the south side of the River Saint Lawrence, and the first rapid of the River Ristigouche, within the said District, and on the Island of Bonaventure, opposite to Percé, for the purpose of salting, curing and drying their fish, to cut wood for making and repairing stages, flakes, hurdles, cook-rooms, and other purposes necessary for preparing their fish for exportation, or that may be useful to their fishing trade, without hindrance, interruption, denial or molestation from any person or persons whomsoever. Provided such river, creek, harbour or road, or the land upon which such wood may be cut, doth not lie within the bounds of any private property, by grant from His Majesty, or other title proceeding from such grant by His Majesty, or by grant made prior to the year one thousand seven hundred and sixty, or held under and by virtue of any location certificate, or title derived from any such location certificate, or in virtue of any title derived under any Act of the Legislature of this Province.

II. And be it further enacted by the authority aforesaid, that the Master or Commander of any Vessel fitted out from the United Kingdom of Great-Britain and Ireland, or the Dominions thereunto belonging, may take possession of so much of the unoccupied 616 beach, within the aforesaid Inferior District of Gaspé, as

may be necessary for curing his fish, and preparing it for exportation; and to retain and enjoy the same, so long as he shall not leave it unoccupied, for the space of twelve calendar months; in which case it shall be lawful for any other person or persons to take possession thereof, in part or the whole, for the same purposes, and on the same condition. Provided that such beach be not private property, by grant from His Majesty, or other title proceeding therefrom, or by grant prior to the year one thousand seven hundred and sixty, or held under and by virtue of any location certificate or title derived therefrom, or in virtue of any title derived under any Act of the Legislature of this Province. Provided also that such new occupier shall, when thereunto required by the preceding possessor, or his lawful Attorney, the demand being made within one year after possession taken, pay him for such parts of the flakes and stages as such new occupier shall take possession of. And provided further, that the said preceding possessor, not having been paid as aforesaid, may remove any building, or other improvement erected or made by him on the unoccupied beach as aforesaid, so that such removal be not made during and before the close of the fishing season, in which the new occupier shall have taken possession.

III. And be it further enacted by the authority aforesaid, that no ballast, or any thing else injurious or hurtful to any of the rivers, harbours or roads within the said Inferior District of Gaspé, shall be thrown out of any vessel, or discharged into any stream, basin or road in the said Inferior District; but that the same shall be carried on shore, and deposited where no public or private injury may be

sustained thereby. Nor shall any person or persons throw any fish guts, offals or gurry overboard, within the distance of six leagues from the shore and Islands of the Inferior District of Gaspé aforesaid, nor on any bank, under the penalty of twenty pounds current money of this Province.

IV. And be it further enacted by the authority aforesaid, that no person or persons shall cast anchor near the shore, or do any thing within the aforesaid limits, so as to annoy or obstruct the hauling of Seines, or to obstruct or prevent the setting of Nets, nor shall any Nets, be set or placed so as to prevent or obstruct the hauling of Seines, under the penalty of five pounds, current money of this Province, for every such offence, exclusive of such damages as may be recovered at law by the proprietor or proprietors of the Seines or Nets which may be thereby injured or destroyed.

* * * * *

XXIII. And be it further enacted by the authority aforesaid, that it shall be lawful for the several Grand Juries for the said Inferior District of Gaspé, at their General Sessions of the Peace, upon the recommendation and with the concurrence of the Justices of the Peace attending the Session, or a majority of them, to make for the temporary and local regulation of the Fisheries in the said Inferior District, such further rules and regulations as to them shall appear most expedient for the general welfare and advantage of the said Fisheries, not being contrary to the intent and meaning of this Act.

XXIV. Provided always, and be it further enacted by the authority aforesaid, that no rule or regulation that may be so as aforesaid made, shall have force or effect until the same shall have been approved and sanctioned by the Provincial Court in and for the Inferior District of Gaspé, duly notified in the Quebec Gazette,

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No. 75.—1838, March 29: *Statute of Nova Scotia, 1 Vict., Cap. 21.*

An Act to amend the Act for the Support and Regulation of Light-houses.

[Passed the 29th day of March, 1838.]

Whereas, certain Vessels owned and registered in this Province, partially employed in the Coasting Trade thereof, and which consequently pay duty as Coasting Vessels, under the Act passed in the fourth year of the reign of His late Majesty King William the Fourth, entitled, An Act for the Support and regulation of Light houses, sometimes are engaged in Voyages to the Island of Newfoundland, when they are charged with duties upon their Tonnage, as other Vessels than Coasting Vessels are charged, which creates a greater expense than the Trade carried on in such Vessels can sustain. And whereas, certain other vessels owned and registered as aforesaid, are advantageously employed in voyages from this Province to certain Ports in the United States of America, between Mount Desert and Cape Cod, which are also charged with Tonnage Duties under the said Act, upon each voyage made, whereby such last mentioned Vessels are also exposed to a greater outlay for such duties than ought to be fairly charged upon the Trade carried on by them as

aforesaid. *And whereas*, it is therefore expedient to charge upon both the above classes of Vessels a specific and certain duty in lieu of all other duties by the said Act payable:

I. *Be it therefore enacted*, by the Lieutenant-Governor, Council and Assembly, That every Vessel owned and registered in this Province, of the Registered Burthen of seventy-five tons, or less than seventy-five tons, which shall be partly employed in the Coasting Trade of this Province, or in the Fishery, and partly in the Trade between this Province and the Island of Newfoundland, and every Vessel so owned and Registered in this Province, and of the burthen of seventy-five tons, or less than seventy-five tons, as aforesaid, and which shall be partly engaged in such Coasting Trade or Fishery, and partly in the Trade from this Province to any Port or Ports in the United States of America, between Mount Desert and Cape Cod, or which may be wholly engaged in such last mentioned
617 Trade, shall pay an annual duty of Forty Shillings and no more, to be paid, levied, secured and recovered, at the time, in the manner, by the same ways and means, and under the same liabilities, forfeitures and penalties, as the duty imposed by the Act hereinbefore referred to, upon Coasting or Fishing Vessels, is thereby directed to be paid, levied, secured and recovered. *Provided always*, that in every case where a Vessel shall have paid duty as a Coasting or Fishing Vessel, as by the said Act is directed, and shall afterwards become liable to duty under this Act in the same year, then such Vessel shall only be required and compelled to pay the difference between the duty already paid by said Vessels, and the duty by this Act imposed thereon.

II. *And be it further enacted*, That this Act shall continue and be in force for one year from the passing hereof, and from thence to the end of the then next Session of the General Assembly.

No. 76.—1843, April 15: Statute of Prince Edward Island, 6 Vict., cap. 14.

An Act relating to the Fisheries, and for the prevention of illicit Trade in Prince Edward Island and the Coasts and Harbors thereof.

[Passed April 15th, 1843.]

Whereas by the Convention made between His late Majesty King George the Third, and the United States of America, signed at London, on the twentieth day of October, in the year of our Lord one thousand eight hundred and eighteen, and the statute made and passed in the Parliament of Great Britain, in the fifty-ninth year of the reign of His late Majesty King George the Third, all foreign ships, vessels or boats, or 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, found fishing, or to have been fishing, or preparing to fish, within certain distances of any coasts, bays, creeks or harbors whatever, in any part of His Majesty's dominions in America, not included within the limits specified in the first Article of the said convention, are liable to seizure: And whereas the United States did by the said convention, renounce for ever, any liberty

enjoyed or claimed by the inhabitants thereof, to take, dry or cure fish on, or within three marine miles of any of the coasts, bays, creeks or harbors of His Britannic Majesty's dominions in America, not included within the above mentioned limits: Provided however, that the American fishermen should be admitted to enter such bays or harbors for the purpose of shelter, and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purposes whatever, but under such restrictions as might be necessary to prevent their taking, drying or curing fish therein, or in any other manner whatever abusing the privileges thereby reserved to them: And whereas no rules or regulations have been made for such purpose, and the interests of the inhabitants of this Island, are materially impaired: and whereas the said Act does not designate the persons who are to make such seizure as aforesaid, and it frequently happens, that persons found within the distances of the coasts aforesaid, infringing the articles of the convention aforesaid, and the enactments of the statute aforesaid, on being taken possession of, profess to have come within said limits for the purpose of shelter, and repairing damages therein, or to purchase wood and obtain water, by which the law is evaded, and the vessels and cargoes escape confiscation, although the cargoes may be evidently intended to be smuggled into this Island, and the fishery carried on, contrary to the said convention and statute: Be it therefore enacted, by the Lieutenant Governor Council and Assembly, That from and after the passing of this Act, it shall be lawful for the Officers of Her Majesty's Customs, the Officers of Impost and Excise, the Sheriffs and Magistrates throughout this Island, and any person holding a commission for that purpose from His Excellency the Lieutenant Governor, for the time being, to go on board any ship, vessel or boat within any port, bay, creek or harbor in this Island, and also to go on board any ship, vessel or boat hovering within three marine miles of any of the coasts, bays, creeks or harbors thereof, and in either case, freely to stay on board such ship, vessel or boat, as long as she shall remain within such port or distance, and if any such ship, vessel or boat be bound elsewhere, and shall continue so hovering for the space of twenty-four hours after the master shall have been required to depart, it shall be lawful for any of the above enumerated officers or persons to bring such ship, vessel or boat into port, and to search and examine her cargo, and to examine the master upon oath, touching the cargo and voyage, and if there be any goods on board prohibited to be imported into this Island, such ship, vessel or boat, and the cargo laden on board thereof, shall be forfeited, and if the said ship, vessel or boat, shall be foreign and not navigated according to the law of Great Britain and Ireland, and shall have been found fishing, or preparing to fish, or to have been fishing within such distance of such coasts, bays, creeks or harbors of this Island, such ship, vessel, or boat, and their respective cargoes shall be forfeited, and if the master or person in command thereof, shall not truly answer the questions which shall be demanded of him in such examination, he shall forfeit the sum of one hundred pounds.

II. And be it further enacted, That all Goods, Ships, Vessels and Boats, liable to forfeiture under this Act shall and may be seized and

secured by any such Officer of Her Majesty's Customs, Officer of Impost and Excise, Sheriffs, Magistrates, or other person holding such Commission as aforesaid, and every person who shall in any way oppose, molest, or obstruct any Officer of the Customs, Officer of Impost and Excise, Sheriff, Magistrate, or other Person so commissioned and employed as aforesaid, in the exercise of his office, or shall, in any way oppose, molest, or obstruct any person acting in aid or assistance of such Officer of Customs, officer of Impost and 618 Excise, Sheriff, Magistrate, or other person so commissioned and employed as aforesaid, shall, for every such offence, forfeit the sum of Two hundred pounds.

III. And be it further enacted, That all Goods, Ships, Vessels and Boats which shall be seized, as being liable to forfeiture under this Act, shall be taken, forthwith, and delivered into the custody of the Collector of Customs, at the Custom House next to the place where the same were seized, who shall secure and keep the same, in such manner as other Vessels and Goods seized, are directed to be secured by the Commissioners of Her Majesty's Customs.

IV. And be it further enacted, That all Goods, Ships, Vessels, Boats or other things, which shall have been condemned, as forfeited under this Act, shall, under the direction of the principal officer of the Customs or Excise, where such seizure shall have been secured, be sold by Public Auction, to the best bidder, and the produce of such sale be applied as follows, that is to say:—the amount chargeable for the custody of said Goods, Ship, Vessel, Boat or any other thing so seized as aforesaid, shall be first deducted and paid, and the residue divided into two equal moieties—one of which shall be paid to the officer or other person or persons legally seizing the same, without deduction, and the other moiety to the Government, and paid into the Treasury of this Island—all costs incurred having been first deducted therefrom. Provided always, that it shall be lawful for the Lieutenant Governor, in Council, to direct that any of such things shall be destroyed, or reserved for the public service.

V. And be it further enacted, That all penalties and forfeitures, which may be hereafter incurred under this Act, shall and may be prosecuted, sued for and recovered, in the Court of Vice Admiralty, having jurisdiction in this Island.

VI. And be it further enacted, That if any Goods, or any Ship, Vessel or Boat shall be seized, as forfeited under this Act, it shall be lawful for the Judge or Judges of any Court having jurisdiction to try and determine such seizures, with the consent of the person seizing the same, to order the delivery thereof, on security, by Bond, with two sufficient Sureties, to be first approved by such seizing Officer or person, to answer double the value of the same in case of condemnation, and such Bond shall be taken to the use of Her Majesty, in the name of the Collector of the Customs in whose custody the Goods, or Ship, Vessel or Boat may be lodged, and such Bond shall be delivered and kept in the custody of such Collector; and in case the Goods, or Ship, Vessel, or Boat shall be condemned, the value thereof shall be paid into the hands of such Collector, who shall cancel such Bond, and distribute the money paid in such manner as is above directed.

VII. And be it further enacted, That no suit shall be commenced for the recovery of any penalty or forfeiture under this Act, except

in the name of Her Majesty, and shall be prosecuted by Her Majesty's Advocate or Attorney General, or, in his absence, by the Solicitor General, for this Island; and if any question shall arise whether any person is an Officer of the Customs, Excise, Sheriff, Magistrate, or other person authorized to seize as aforesaid, *viva voce* evidence may be given of such fact, and it shall be deemed legal and sufficient evidence.

VII. [VIII.] And be it further enacted, That if any goods, ship, vessel or boat shall be seized for any cause or forfeiture under this Act, and any dispute shall arise whether the same have been lawfully seized, the proof touching the illegality thereof, shall be on the owner or claimant of such goods, ship, vessel, or boat, and not on the officer or person who shall seize and stop the same.

IX. And be it further enacted, That no claim to any thing seized under this Act and returned into Her Majesty's Court of Vice Admiralty for adjudication, shall be admitted, unless such claim be entered in the name of the owner, with his residence and occupation, nor unless oath to the property in such thing be made by the owner, or by his Attorney or Agent, by whom such claim shall be entered, to the best of his knowledge and belief, and every person making a false oath thereto shall be deemed guilty of a misdemeanor, and shall be liable to the pains and penalties to which persons are liable for a misdemeanor.

X. And be it further enacted, That no person shall be admitted to enter a claim to any thing seized in pursuance of this Act, and prosecuted in this Island, until sufficient security shall have been given in the Court where such seizure is prosecuted in a penalty not exceeding Sixty Pounds to answer and pay the costs occasioned by such claim, and in default of giving such security, such things shall be adjudged to be forfeited and shall be condemned.

XI. And be it further enacted, That no Writ shall be sued out against, nor a copy of any process served upon, any officer of the Customs, Excise, Sheriff, Magistrate, or other person authorised to seize as aforesaid, for any thing done in the exercise of his office, until One calendar Month after notice, in writing, shall have been delivered to him, or left at his usual place of abode, by the Attorney or Agent of the party who intends to sue out such Writ or Process, in which notice shall be clearly and explicitly contained, the cause of action, and the name and place of abode, of the person who is to bring such action, and the name and place of abode or [of] the Attorney or Agent, and no evidence of the cause of such action shall be produced except of such as shall be contained in such notice, and no Verdict shall be given for the Plaintiff unless he shall prove on the trial that such notice was given, and, in default of such proof, the Defendant shall receive in such action a verdict and costs, or Judgment of nonsuit shall be awarded against the Plaintiff, as the Court shall direct.

XII. And be it further enacted, That every such action shall be brought within Three calendar Months after the cause thereof, and shall be laid and tried in her Majesty's Supreme Court of Judicature for this Island, and the Defendant may plead the general issue, and give the special matter in evidence; and if the Plaintiff shall become nonsuited, or shall discontinue the action, or if upon a verdict or demurrer, Judgment shall be given against the Plaintiff, the De-

fendant shall receive treble costs, and have such remedy for the same as any Defendant can have in other cases where costs are given by law.

619 XIII. And be it further enacted, That in case any information or suit shall be brought to trial, on account of any seizure made under this Act, and a verdict shall be found for the Claimant thereof, and the Judge or Court before whom the cause shall have been tried, shall certify on the Record that there was probable cause of seizure, the Claimant shall not be entitled to any costs of suit, nor shall the person who made such seizure, be liable to any Action, Indictment, or other suit or prosecution, on account of any such seizure; and if any such Action, Indictment, or other suit or prosecution shall be brought to trial, against any person on account of such seizure, wherein a verdict shall be given against the Defendant, the Plaintiff besides the thing seized or the value thereof, shall be entitled to no more than Two-pence damages, nor to any costs of suit, nor shall the Defendant in such prosecution, be fined more than One Shilling.

XIV. And be it further enacted, That it shall be lawful for any such officer of the Customs, Excise, or Sheriff, or Magistrate, or other person, authorised to seize as aforesaid, within One calendar Month after such notice, to tender amends to the party complaining, or his Agent, and to plead such tender in bar to any action together with other pleas, and if the Jury shall find the amends sufficient, they shall give a verdict for the Defendant, and in such case, or in case the Plaintiff shall become nonsuit, or shall discontinue his action, or Judgment shall be given for the Defendant upon demurrer, then such Defendant shall be entitled to the like costs, as he would have been entitled to in case he had pleaded the general issue only; provided always, that it shall be lawful for such Defendant by leave of the Court, where such action shall be brought at any time before or after issue joined, to pay money into Court as in other actions.

XV. And be it further enacted, That in any such action, if the Judge or Court before whom such action shall be tried, shall certify upon the Record that the Defendant or Defendants in such action acted upon probable cause, then the Plaintiff in such action, shall not be entitled to more than Two-pence damages nor to any costs of suit.

XVI. And be it further enacted, That all actions or suits for the recovery of any of the penalties or forfeitures imposed by this Act, may be commenced or prosecuted at any time within Three Years after the offence was committed by reason whereof such penalties or forfeitures shall be incurred, any law, usage or custom to the contrary notwithstanding.

XVII. And be it further enacted, That no appeal shall be prosecuted from any Decree or Sentence of any of Her Majesty's Courts in this Island, touching any penalty or forfeiture imposed by this Act, unless the inhibition shall be applied for and decree within Twelve months from the time when such decree or sentence was pronounced.

XVIII. And be it further enacted, That this Act shall not go into force or be of any effect until Her Majesty's assent shall be signified thereto, and an order made by Her Majesty in Council, that the clauses and provisions of this Act shall be the rules, regulations and

restrictions respecting the fisheries on the coasts, bays, creeks or harbors of the Island of Prince Edward.^a

No. 77.—1845, April 14: Statute of Nova Scotia, 8 Vict., Cap. 22.

An Act Concerning the Support and Regulation of Light Houses.

[Passed the 14th day of April, A. D. 1845.]

Be it enacted, by the Lieutenant Governor, Council and Assembly, That after this Act shall come into operation, every Ship or Vessel registered in this Province, shall, when first cleared at any Custom House in this Province, pay to the Collector or Sub-Collector of Her Majesty's Customs, a Duty of Six Pence, Currency, per ton, for each and every ton of the Registered Burthen of such Ship or Vessel, and on receipt of such payment the Collector or Sub-Collector of Her Majesty's Customs, at the Port where such Ship or Vessel shall so clear, shall deliver to the master of such Ship or Vessel a Certificate that all Light Duty has been paid, and such Ship or Vessel shall be exempt from any further payment to the Thirty-first day of March following the date of such Certificate: *Provided always*, that nothing in this Act contained shall be held to compel the Owner or Master of any New Vessel departing out of this Province intended for Sale, and on her first Voyage, to pay any of the Duties charged in this Act, unless the said Vessel shall again enter into this Province.

II. *And be it enacted*, That hereafter every other Ship or Vessel coming into any Port or Place in this Province, from any Port or Place out of this Province, shall pay a Duty of Six Pence, Currency, per ton, for each and every ton of the Registered Burthen of such Ship or Vessel, to the Collector or Sub-Collector of Her Majesty's Customs at the Port or Place in this Province where such Ship or Vessel shall arrive, at the time of Entry of such Ship or Vessel, and be entitled to a Certificate as aforesaid, and the exemption aforesaid.

III. *And be it enacted*, That in any port, place, or district where no such Collector or Sub-Collector of customs is or may be appointed, then the duties by this Act imposed shall be, and the same are hereby declared to be payable, and shall be paid to the collector of impost and excise for the said port, place or district, who is hereby authorised, empowered, and directed to demand and receive the same.

620 IV. *Provided always, and be it enacted*, That in all cases where any officer of Her Majesty's Customs other than the collector or sub-collector at any port, place, or district in this province, shall now hold the situation of collector of light duty in and for such port, place or district, or any part or portion thereof, such officer of the customs shall in all cases continue to act as such collector of light duties, so long as he shall continue to hold such or any other situation in the customs at such port, place or district, and shall have all and the same powers, and be subject and liable to the same rules and regulations as any other collector under this Act, and the collector or sub-collector of the customs at such port, place, or district,

^a This Act received the Royal allowance on the 3rd day of September, 1844 (see Appendix, pp. 571-2).

shall not act as collector of light duties thereat, or in any way concern himself in the collection of such light duties, any thing hereinbefore contained to the contrary notwithstanding.

V. *And be it enacted*, That no Ship or Vessel shall be permitted or suffered to clear out at the Custom House from any Port, Harbor, Out Port, or Place, in this Province, until the master or Commander, or other person having charge or command of such Ship or Vessel shall have paid the Duties hereby imposed on such Ship or Vessel.

VI. *And be it enacted*, That if any collector, sub-collector, or other person, shall be sued or prosecuted for or by reason of any thing by such collector, sub-collector, or other person, done or committed under and in pursuance of this Act, it shall and may be lawful for such collector, sub-collector, or other person, to plead the general issue, and to give this Act and the special matter in evidence.

VII. *And be it enacted*, That nothing in this Act shall extend, or be construed to extend to any of Her Majesty's Ships of War, or Her Majesty's Packets, or to any ship or vessel actually engaged and employed as a transport or store ship for the transport or conveyance of Her Majesty's troops or military stores, or otherwise in the employment or service of Her Majesty's Government.

VIII. *And be it enacted*, That all monies collected and received under and by virtue of this Act, shall be paid by the several collectors, sub-collectors, or other persons collecting and receiving the same, after deducting thereout five pounds *per cent* on the amount received, to be retained by the said collectors, sub-collectors, or other persons respectively, as and for their commission for receiving the same, into the Treasury of this province, to be applied as hereinafter mentioned.

IX. *And be it enacted*, That if any master or commander, or other person having charge or command of any ship or vessel coming or being in any port, harbor, or place, or in the strait of Canso in this province, which shall be liable to pay any duties under this Act, shall, upon the same being demanded, refuse to pay the said duty or duties, or shall depart from such port, harbor, or place, or the strait of Canso, in this province, without first paying the said duty or duties, such master, commander, or other person having charge or command of any such ship or vessel, shall forfeit and pay over and above the said duty or duties, the penalty or sum of five pounds, to be recovered, together with the said duty or duties, by bill, plaint, or information, at the suit of the collector or sub-collector of the customs, or in case of there being no such collector or sub-collector, at the suit of the collector of impost and excise, or collector of light duties, in any court of record in this province, or before any two of Her Majesty's Justices of the Peace—one half of such penalty to be paid to the collector or other person who shall sue for the same, and the other half to be by him paid and applied in the like manner as the duties hereby imposed are directed to be paid and applied.

X. *And be it enacted*, That if any master or commander, or other person having charge or command of any ship or vessel liable to pay any duty or duties under this Act, shall neglect or refuse to pay such duty or duties, after the same shall have been duly demanded, it shall and may be lawful for the collector or sub-collector of the customs, or if there be no such collector or sub-collector, for the collector of impost and excise, or collector of light duties, to seize and take possession of, and detain in his custody such ship or vessel, until the said

duty or duties, together with the said penalty of five pounds, shall be fully paid and discharged.

XI. *And be it enacted*, That it shall and may be lawful for the Governor Lieutenant Governor, or Commander in Chief for the time being, by and with the advice of the Executive Council, from time to time, and so often as he shall think proper to appoint fit and proper persons to be collectors of the duties by this Act imposed in the Strait of Canso, and in the several ports, harbors, creeks, and rivers in this province, and to describe the particular limits of each collector's authority and jurisdiction, in the commission or commissions to be granted for that purpose: *Provided always*, that it shall not be deemed or adjudged to be necessary to make any new appointment in or for any port, place, or harbor, where there shall be at the time of the passing of this Act a collector or sub-collector of Her Majesty's Customs, or collector of impost and excise appointed and in office; and such collectors of light duties when so appointed shall have like powers under this Act with the collectors and sub-collectors of customs, and collectors of impost and excise aforesaid, and shall be entitled to the sum of seven pounds and ten shillings *per cent.* of the amount collected, instead of five pounds *per cent.* as hereinbefore provided.

And whereas, the passages to the Gulf of Saint Lawrence are rendered safe by the erection of light houses at the north and south entrances of the Strait of Canso, and on the island of Saint Paul, and it is just that vessels deriving benefit from said lights should contribute to their support:

XII. *Be it enacted*, That hereafter every ship or vessel passing through the Straits of Canso without the certificate aforesaid, shall pay a duty of six pence, currency per ton, for each and every ton of the registered burthen of such ship or vessel, which duty shall be paid by every ship or vessel liable to pay the same after entrance and before departure from said Strait of Canso, and such ship or vessel on such payment shall be entitled to a certificate as aforesaid, signed by the collector or other person to whom payment is made, and the exemption aforesaid.

XIII. *And be it enacted*, That if any such duty be demanded from any ship or vessel exempted on payment of annual duty, and it shall appear that any sum had been paid since the first day of January in

this present year of our Lord one thousand eight hundred and
621 forty-five, it shall be incumbent on the collector or sub-collector
of Her Majesty's customs, or other person entitled to demand
said duties, on production of the certificate of some collector or other
person now entitled to receive such dues, to deduct the amount so
paid, and on receipt of the difference between the amount paid and
six pence, currency, per ton, to grant the certificate aforesaid.

XIV. *And be it enacted*, That the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, and eighteenth clauses of an Act, passed in the fourth year of the reign of His late Majesty King William the Fourth, entitled, An Act for the support and regulation of light houses; also, an Act, passed, in the first year of the reign of Her present Majesty Queen Victoria, in amendment of said Act; also, an Act, made and passed in the sixth year of the reign of Her present Majesty, in amendment of, and additional to, the said two several

Acts, shall be repealed, and the said several clauses, and the said several Acts, and every matter, clause, and thing therein contained, are hereby respectively repealed.

XV. *And be it enacted*, That the Act, passed in the fourth year of the reign of His late Majesty King William the Fourth, entitled, An Act for the support and regulation of light houses, and every matter, clause and thing, therein contained, save and except the several clauses or sections thereof which are hereinbefore repealed, and also except as altered or amended by this Act, shall be continued, and the said Act, except as aforesaid, is hereby continued in full force and operation until the thirty-first day of March, which will be in the year of Our Lord one thousand eight hundred and forty-six, and no longer.

XVI. *And be it enacted*, That this Act shall continue and be in force until the thirty-first day of March, which will be in the year of Our Lord one thousand eight hundred and forty-six, and no longer.

No. 78.—1852, April 3: Statute of Prince Edward Island, 15 Vict., Cap. 27.

An Act relating to Light and Anchorage Duties.

[April 3, 1852.]

Be it enacted, by the Lieutenant Governor, Council and Assembly, as follows:

I. For each and every vessel registered in this island, which shall hereafter, on its first voyage, sail from any port, place in this island for any other port, place or country whatsoever, there shall be paid a light duty of six-pence per ton for each and every ton which such vessel shall admeasure, agreeably to its register—the same to be paid to the Controller of Navigation Laws at the port or place from which such vessel sails, or to such other person or persons as now are or hereafter may be appointed by the Administrator of the Government of this Island for the time being to receive the same, who shall deliver to the master a certificate thereof, agreeably to a Form in the Schedule to this Act annexed, marked (A), which shall exempt the said vessel from further payment of light or anchorage duty in the same or any other port in this Island, until the First day of January next after such payment, but no longer; and such vessel shall not be cleared at the custom house without the production of such certificate; but new vessels leaving this island on their first voyage, and intended for sale, shall only be liable to pay two-pence per ton duty, unless they again return, when they shall immediately become liable to the full duty as aforesaid.

II. All other vessels coming into any port or place in this Island shall pay, on entry, six-pence per ton as aforesaid, to the Controller of Navigation Laws, or other person appointed as herein before mentioned, who shall grant a certificate thereof, agreeably to the Form in the Schedule to this Act annexed, marked (A), which shall exempt them from further payment of light or anchorage duty in that or any other port in this Island, until the first day of January next after such payment, but no longer.

III. All vessels anchoring within any harbour or port in this island, whether for shelter, to take in supplies or otherwise, without the certificate aforesaid, shall pay six-pence per ton to the harbour master of the port or harbour, who shall grant a certificate thereof, agreeably to the Form in the Schedule to this Act annexed, marked (A), which shall exempt them from further payment of anchorage duty, or light duty, in that or any other port or harbour in this Island until the first day of *January* next, after such payment, but no longer.

IV. The person receiving any of the duties aforesaid, shall, quarterly, make a return in writing of the amount received by him to the treasurer of this Island, and shall make and subscribe, at the foot of each return, an affidavit of the correctness thereof, in the Form in the Schedule to this Act annexed, marked (B.), set forth, to be sworn before a justice of the peace; and he shall also, at the time of making such return, pay the amount so received by him into the treasury of this Island, to be applied to the purposes specified in the Act of the eighth *Victoria*, chapter three, intituled *An Act to make new provisions for the support of Light Houses, Buoys and Beacons*, and to which the duties imposed by that Act are thereby applied; and such person shall for his services be paid twenty pounds *per centum* on all moneys so received and paid over by him as aforesaid, for anchorage duties, and seven and one-half pounds *per centum* on all moneys so received and paid over by him as aforesaid, for light duties.

V. If the master of any vessel liable to any duties hereunder, shall, on demand, refuse to pay or shall depart without paying the same, he shall forfeit five pounds in addition to the amount of duties; and the Controller of Navigation Laws, or person so appointed as afore-

622 said in the case of light duties, or the harbour master in the case of anchorage duties, is hereby authorized, in his own name

as such officer, to sue for and recover such fine and duty before any one of Her Majesty's justices of the peace—which justice is hereby directed and required, on the oath being made by any such officer as aforesaid, to cause a writ of capias to be issued for the recovery of the same, and immediately to proceed and adjudicate on the same; and if the amount of the judgment given by such justice, and the costs and expenses, be not at once paid after the giving of such judgment, then the defendant shall be imprisoned for the same length of time, in proportion to the amount of the judgment, as he would have been under an execution issuing out of any court for the recovery of small debts, constituted, or to be constituted, under any Act now or hereafter, for the time being, to be in force, on a judgment of a similar amount recovered therein.

VI. If the master of any vessel shall not pay any such duty when duly demanded, the officer shall, and he is hereby fully authorized to seize such vessel, or any part of her materials, and to employ other persons to assist him in doing the same, and to detain such vessel or materials until the duty due and the expenses thereon are paid.

VII. The remedies for the recovery of the duties and penalties aforesaid, given by the two last sections of this Act, may be both pursued, and at the same time, or at different times, or one only may be pursued, or otherwise, as the officer collecting the same may think fit.

VIII. So much of the Act of the eighth year of Her present Majesty's reign, chapter three, intituled *An Act to make new provisions for the support of light houses, buoys and beacons*, as relates

to and establishes the rates of light duties to be paid on account of vessels clearing from or entering at any port or place in this Island, and also the whole of the Act of the eleventh year of Her present Majesty's reign, chap. eleven, intituled *An Act to explain and amend an Act made and passed in the eighth year of the reign of Her present Majesty, intituled "An Act to make new provisions for the support of Light houses, Buoys and Beacons,"* be and the same are hereby respectively repealed.

X. If any person shall, by force or violence, assault, molest, oppose, hinder or obstruct any Controller of Navigation Laws, or harbour master, or other person employed as aforesaid, in the exercise of his office, or any of the powers by this Act conferred upon him, or any person acting in his aid or assistance, such person shall forfeit and pay a fine not exceeding ten pounds, the same to be sued for and recovered in Her Majesty's name, before any two of Her Majesty's justices of the peace for the county wherein the offence was committed; and if not paid on conviction, the offender shall be imprisoned for a period not exceeding six months.

X. This Act shall continue and be in force for the space of three years from the passing thereof, and from thence to the end of the then next session of the General Assembly, and no longer.

[Schedules to which this Act refers.]

SCHEDULE (A).

FORM OF CERTIFICATE OF PAYMENT OF LIGHT OR ANCHORAGE DUTY.

I, A. B., Controller of Navigation Laws (or Harbour Master, or otherwise, as the case may be), at the port (or harbour, or otherwise, as the case may be), of do hereby certify, that the sum of (total amount paid) hath this day been paid to me as light duty (or anchorage duty, as the case may be), for the ship or vessel called the of of the burthen of tons being sixpence per ton for each ton, which said ship or vessel admires, according to her register; and that she is by such payment exempt from further payment for light or anchorage, under the fifteenth Victoria, chapter (here insert the number of this Act) in any port or harbour in this island, until the first day of January now next.

Dated the day A. D., 18 .

A. B. [L. S.]

SCHEDULE (B).

FORM OF AFFIDAVIT TO BE TAKEN BY PERSON MAKING QUARTERLY RETURN OF LIGHT OR ANCHORAGE DUTIES RECEIVED BY HIM.

I, A. B., Collector of Impost (or Harbour Master, or other officer, as the case may be), for the port or harbour of do hereby make oath and say, that the above return contains a true account of all moneys received by me on account of light (or anchorage) duties, during the period to which such return relates.

A. B.

Sworn to this
day of A. D., 18 }
before me, C. D., }
Justices of the Peace for }

623 No. 79.—1853, May 3: Statute of New Brunswick, 16 Vict., Cap. 39.

An Act to revive and amend an Act to regulate the Herring Fishery in the Parishes of Grand Manan, West Isles, Campo Bello, Pennfield, and Saint George, in the County of Charlotte.

[Passed 3rd May, 1853.]

“Whereas great injury has been done to the Herring Fishery within the County of Charlotte by the erection of weirs, fishgarths, and other obstructions, and the placing and setting of seines and nets across the several Havens, Rivers, Creeks and Harbors therein;”

Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, as follows:—

1. No seine or net shall be set across the mouth of any haven, river, creek or harbor within the Parishes of Grand Manan, West Isles, Campo Bello, Pennfield, and Saint George, in the County of Charlotte, and no seine or net shall be set in any such haven, river, creek or harbor, which shall extend more than one third the distance across the same, or be within forty fathoms of each other, or which shall be set within twenty fathoms of the shore at low water mark of the same.

2. Any person offending against the preceding section, upon due conviction thereof, or by confession before one of Her Majesty’s Justices of the Peace, for the County of Charlotte, shall for the first offence forfeit the sum of five Pounds, to be levied by warrant of distress and sale of the offender’s goods; and for the second offence shall forfeit the sum of ten pounds, to be recovered with costs in an action of debt in any Court of Record in this Province; and for the third and any subsequent offence, shall forfeit the sum of fifteen pounds, to be recovered with costs in like manner; one half of such penalties, when recovered, to be paid to the Overseers of the Poor of the Parish where the offence was committed, for the use of the Poor, and the other half to the person who shall sue for the same.

3. Every fish weir in the Parishes before mentioned which is dry at low water, or which in the opinion of the Wardens of the Fisheries for the County of Charlotte requires the same, shall have a gate therein of such width and in such position as the said wardens may determine; and the owner or occupier of any fish weir who shall neglect or refuse to place a gate therein according to the directions of the said Wardens, shall forfeit and pay the sum of five pounds for each day he shall so neglect and refuse after due notice.

4. The said Wardens and the Overseers of the Fisheries in the Parishes before mentioned, shall severally have power to seize and remove any net, hedge, weir, fishgarth, seine, or other obstruction, set or placed contrary to the provisions of this Act, and after five days notice may sell the same in some public place in the Parish where the seizure is made, together with any fish found therein; after deducting from the proceeds the charges of such seizure and sale, the residue shall be applied to the payment of any penalty incurred under this Act, and the overplus, if any, shall be paid to the Overseers of the Poor for the Parish where the offence was committed, for the use of the Poor thereof.

5. The said Warden shall have power to mark out and designate in proper positions at the Island of Grand Manan and other fishing

stations in this Province, if necessary, fit places for the deposit of fish offal, to be called "gurry grounds;" they shall post up notices in the said Island at the several School Houses, describing the limits and position of such "gurry grounds," and publish the like notice in the Royal Gazette; and if after the posting and publication of such notice, any person shall cast overboard from a boat or vessel the heads, bones or other offal of fish into the waters of or near the Island of Grand Manan, at any place except the said "gurry grounds," such person shall forfeit and pay a fine not exceeding five pounds nor less than ten shillings for each offence.

6. The penalties in the two preceding sections may be sued for and recovered by summary proceedings before one or more Justices of the Peace together with Costs, and when recovered shall be paid over to the person who shall prosecute for the same.

No. 80.—1853, May 3: Statute of New Brunswick, 16 Vict., Cap. 69.

An Act relating to the Coast Fisheries, and for the Prevention of Illicit Trade.

Section.

1. Vessels hovering within three miles of the coast may be boarded.
2. Proceedings when Master refuses to depart.
3. Foreign vessels fishing or preparing to fish, and their cargoes, forfeited.
4. Vessels and goods may be seized. Penalty for obstructing officers.
5. Custody of vessels and goods seized.
6. Proceeds of condemned vessels and goods, how applied and distributed.
7. Penalties and forfeitures, how prosecuted.
8. Vessels and goods delivered on security.
9. Suits, how brought and prosecuted. Oral evidence as to Seizing Officer.
10. Burden of proof to rest with claimant.
11. Claim for property seized to be under oath.
12. Security to be given before claim entered.
13. Month's notice to officer before action.
14. Limitation of action against Seizing Officer.
15. If Judge certifies probable cause for seizure, no costs allowed.

Section.

16. Amends may be tendered within one month.
17. Limitation of actions for penalties.
18. Appeals, within what time to be prosecuted.
19. Coasting vessels to have narrow plank or iron extending aft of stern post.
20. Forfeiture for destroying nets, if not so provided.
21. Vessel or boat under fifteen tons to have distinguishing number on bows and mainsail.
22. Colour of numbers in Bay of Fundy and Gulf of Saint Lawrence respectively.
23. Vessel or boat without distinguishing number, to be seized and forfeited.
24. Penalty for false or fraudulent description of vessel or boat.
25. Penalty for false or fraudulent proceedings with reference to vessels above fifteen tons burthen, or foreign vessels.
26. Lieutenant Governor may grant Commission of the Peace to officer in command of Her Majesty's vessel of war, while protecting the Fisheries.
27. Definition of terms.
28. Suspending clause.

Passed 3rd May 1853.

Be it enacted, &c., as follows:—1. Officers of the Provincial Treasury, and any other person duly appointed by the Lieutenant Governor in Council for that purpose, may go on board any vessel or boat within any Harbour in this Province, or hovering within three miles

rine miles of any of the coasts or harbours thereof, and stay on board so long as she may remain within such place or distance.

2. If such vessel or boat be bound elsewhere, and shall continue within such harbour, or so hovering for twenty four hours after the master shall have been required to depart, any one of the officers or persons above mentioned may bring such vessel or boat into port, and search her cargo, and also examine the master upon oath; and if the master or person in command shall not truly answer the questions demanded of him in such examination, he shall forfeit one hundred pounds; and if there be any prohibited goods on board, then such vessel or boat and the cargo thereof shall be forfeited.

3. If the vessel or boat shall be foreign, and not navigated according to the Laws of Great Britain and Ireland, and shall be found fishing, or to have been fishing, or preparing to fish, within three marine miles of such coasts or harbours, such vessel or boat, and the cargo, shall be forfeited.

4. All goods, vessels, and boats liable to forfeiture, may be seized and secured by any of such officers or persons so appointed; and every person opposing them, or any one aiding such opposition, shall forfeit two hundred pounds.

5. Goods, Vessels, and boats seized as liable to forfeiture under this Act, shall be forthwith delivered into the custody of the Officers of the Provincial Revenue next to the place where seized, to be secured and kept as other vessels, boats, and goods seized, are directed to be secured and kept by law.

6. All goods, vessels, and boats condemned as forfeited under this Act shall, by direction of the principal Officer of the Provincial Revenue where the seizure shall have been secured, be sold at public auction, and the produce of such sale shall be applied as follows: the amount chargeable for the custody of the property seized shall first be deducted, and paid over for that service; one half of the remainder shall be paid to the officer or person seizing the same, without deduction; and the other half, after first deducting therefrom all costs incurred, shall be paid into the Treasury of this Province; but the Lieutenant Governor in Council may nevertheless direct that any vessel, boat, or goods seized and forfeited, shall be reserved for the public service, or destroyed.

7. All penalties and forfeitures imposed by this Act shall be prosecuted and recovered in the Supreme Court.

8. If any goods, vessel, or boat shall be seized as forfeited under this Act, the Judge of the said Court, with the consent of the persons seizing the same, may order re-delivery thereof, on security by Bond to Her Majesty, to be made by the party claiming the same with two sureties. In case the property is condemned, the value thereof shall be paid into the Court, and distributed as above directed.

9. All suits for recovery of penalties or forfeitures shall be in the name of Her Majesty, and shall be prosecuted by the Attorney General, or in his absence, by the Solicitor General. If a dispute arise whether any person is authorized to seize under this Act, oral evidence may be heard thereupon.

10. If any seizure take place under this Act, and a dispute arise, the proof touching the illegality shall be upon the owner or claimant.

11. No claim to any thing seized under this Act, and returned into the said Court for adjudication, shall be admitted unless the claim be

entered under oath, with the name of the owner, his residence and occupation, and the description of the property claimed, which oath shall be made by the owner, his attorney, or agent, and to the best of his knowledge and belief, before any Justice of the Peace.

12. No person shall enter a claim to any thing seized under this Act, until security shall have been given in a penalty not exceeding sixty pounds, to answer and pay costs occasioned by such claim, and in default of such security, the things seized shall be adjudged forfeited, and shall be condemned.

13. No writ shall be sued out against any officer or other person authorized to seize under this Act, for anything done thereunder, until one month after notice in writing delivered to him or left at his usual place of abode by the person intending to sue out such writ, his attorney, or agent; in which notice shall be contained the cause of action, the name and place of abode of the person who is to bring the action, and of his attorney, or agent; and no evidence of any cause of action shall be admitted, except such as shall be contained in the notice.

14. Every such action shall be brought within three months after the cause thereof has arisen.

15. If on any information or suit brought to trial under this Act, on account of any seizure, judgment shall be given for the claimant, and the Judge or Court shall certify on the record that there was

probable cause of seizure, the claimant shall not recover costs,
625 and the person who made the seizure shall not be liable to any indictment or suit on account thereof. And if any suit or prosecution be brought against any person on account of such seizure, and judgment shall be given against him, and the Judge or Court shall certify there was probable cause for the seizure, then the plaintiff, besides the thing seized, or its value, shall not recover more than two pence damages, and no costs of suit; and the defendant shall not be fined more than one shilling.

16. The seizing officer may within one month after notice of action received, tender amends to the party complaining, or his attorney, or agent, and plead such tender.

17. All actions for the recovery of penalties or forfeitures imposed by this Act, must be commenced within three years after the offence committed.

18. No appeal shall be prosecuted from any decree or sentence of any Court in this province, touching any penalty or forfeiture hereby imposed, unless the inhibition be applied for, and decreed, within twelve months from the decree or sentence being pronounced.

19. All coasting vessels under sixty tons burthen, owned in this province, and engaged in the coasting trade thereof, shall be furnished with a narrow piece of plank, or iron, affixed to the bottom of the keel, and level therewith, extending aft at least six inches beyond the aperture between the stern post and rudder, and well secured on the keel; but this section shall not extend to vessels in which the main or false keel extends six inches beyond the aperture between the stern post and rudder.

20. Any owner or master of a coasting vessel not so furnished or built, running foul of any net set within or off the harbours, bays, or rivers of the coast of this province, shall upon due proof thereof, forfeit five pounds, to be recovered by the party injured, to his own

use as a private debt, leaving to such party grieved, nevertheless, his rights at common law for any further damages.

21. The owner of every vessel or boat under the burthen of fifteen tons belonging to this province, and employed in fishing, coasting, or piloting, shall furnish a written description of the same, together with his own name, place of abode, and occupation, to the chief officer of the provincial treasury of the district wherein the owner resides; such officer shall thereupon grant to the owner a certificate, that the requisite description has been filed with him, and that a certain number has been fixed thereto; which number shall thereafter be painted conspicuously on both bows in figures not less than nine inches in length, and on the mainsail of such vessel or boat in figures not less than three feet in length.

22. Vessels or boats belonging to owners residing within the Bay of Fundy, shall be distinguished by numerals in red on the bows and mainsail; and vessels or boats belonging to owners residing on the Gulf Coast of this province, shall be distinguished by numerals in black upon a white patch on each bow, and in black upon the mainsail of such boat or vessel.

23. Every vessel or boat under the burden of fifteen tons, belonging to this province, and found fishing, coasting, or piloting near its shores, without bearing a distinguishing number on the bows and mainsail, as above provided, shall be seized and detained until properly numbered, and until the payment of a fine not exceeding five pounds.

24. If the owner of any vessel or boat under the burthen of fifteen tons, shall make any false or fraudulent description of the same, or any misrepresentation whatsoever, in order to obtain a certificate and number therefor, he shall forfeit twenty pounds.

25. If any person shall make a false or fraudulent declaration, oath, or representation with reference to the sale, transfer, registry, or re-registry of any ship or vessel above the burthen of fifteen tons, or shall conspire or collude with a foreigner in any false or fraudulent transfer of a foreign ship or vessel, either to obtain a British register therefor, or for any false, fraudulent, or deceptive purpose, or shall wilfully and knowingly aid in giving to the master or owner of a foreign vessel, being a foreigner, the character of a British subject, or to a foreign vessel the character of a British vessel, he shall forfeit one hundred pounds.

26. The Lieutenant Governor may by commission under the great seal, appoint the officer in command of any of Her Majesty's vessels of war, employed on the coasts of this province in the protection of the fisheries, to be a Justice of the Peace in any or every county of this province; such commission to be in force while such officer is employed on the coast in the protection of the fisheries, and in command of one of Her Majesty's vessels.

27. In this chapter, "vessels" shall include ships, and "harbours" shall include ports, bays, and creeks.

28. This act shall not come into operation until Her Majesty's approbation is thereunto had and declared.^a

^a This Act was specially confirmed, ratified, and finally enacted, by an Order of Her Majesty in Council dated the 24th day of October 1853, and published and declared in the Province the 16th day of November 1853.

626 No. 81.—1854, *Statute of New Brunswick: Revised Statutes 1854, Cap. 101*TITLE XXII.—*Of the sea and river fisheries.*

CHAPTER 101.

Section.

1. Wardens, appointment and duty.
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3. Assessment for Warden's pay, amount, by whom authorized.
4. Warden competent witness.
5. Leases, &c., when, by whom, and how granted.
6. Regulations of Governor in Coun-
cill.
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dams.
9. Rubbish, where it shall not be
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10. Where, when, and in what manner
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11. Angling for salmon, how long per-
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12. Placing nets, &c., restriction as to.

Section.

13. Gates, ordered for what, and by
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whom.
15. When and where herring shall not
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16. Penalty for breach of what Sec-
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tion.
20. Do. do. what Sec-
tions.
21. Do. do. what Sec-
tion.
22. Penalties, recovery, and applica-
tion.

1. The Governor in Council may appoint two Wardens of the Fisheries in any County, who shall watch over and protect the fisheries, enforce the provisions of this Chapter, the rules of the Justices in Session, or Municipal authorities, and the regulations of the Governor in Council, in relation to such fisheries; and they shall be subject to the directions of, and liable to the penalties imposed by the Governor in Council in the regulations, for misconduct or neglect of duty.

2. Each Warden in addition to the proportion of any penalty received under this Chapter, shall receive from the Provincial Government forty pounds per year for his services; the same shall not be drawn until it be certified to the Governor in Council that the County for which he may have been appointed has provided a similar sum for that purpose.

3. The Justices in Session, or at any Special Sessions if called for that purpose for any County to which any Warden may have been appointed, may assess the inhabitants of the said County for the sum of forty pounds for each Warden, which shall be assessed, collected, and paid as other County rates.

4. Nothing in this Chapter shall prevent the Warden from being a competent witness for the recovery of any penalty therein mentioned.

5. The Governor in Council may grant leases or licenses of occupa-
tion, for a term not exceeding five years, for Fishing Stations on
ungranted shores, beaches, or islands, which shall terminate when
such stations cease to be used for such purpose; no station shall oc-
cupy the whole of a locality where there may be space for more than
one. When application is made for any such station, the lease or
licence therefor shall be sold at public auction after thirty days
notice, the upset price being determined by the Governor in Council,

but the rights of parties in lands and privileges already granted shall not be affected thereby.

6. The Governor in Council may make regulations for the management and protection of the fisheries on the sea coast, or around any island of the said coast between low water mark and three marine miles, imposing no greater penalty thereby than fifteen pounds, nor any larger imprisonment than ten days. The regulations shall be published in the Royal Gazette.

7. The Wardens of any County shall when necessary, mark out and designate in proper positions "Gurry Grounds," putting up notices thereof, describing their limits and position, in the several school houses, and other most public places in the Parish where the said gurry grounds are marked out, publishing the like notice in the Royal Gazette; and no person after such posting and publication shall cast overboard from any boat or vessel the offal of fish into the waters at or near the said Parish at any place except the said gurry grounds.

8. In every dam built, or which may hereafter be built, across any stream or river, except where fish may not resort, a proper and suitable fishway shall be made and kept, the Wardens having jurisdiction determining the exception.

9. No slabs, edgings, or other mill rubbish, sawdust excepted, shall be allowed or put in any river or stream.

10. No salmon shall be taken on the coast, nor in any of the bays, rivers, or harbours, or in any fresh water stream or river, after the thirty first day of August in any year, nor between sunset on any Saturday night and sunrise on the following Monday morning, nor in any place at any time by spearing between the thirty first day of August in any year and the first day of April ensuing, nor shall any person sell or offer for sale, or purchase, between the said last mentioned days, any salmon taken by spearing.

11. Angling for salmon shall be permitted until the fifteenth day of September in each year.

12. Within the Parishes of Grand Manan, West Isles, Campo Bello, Pennfield, and Saint George, in the County of Charlotte, no seine or net shall be set across the mouth of any haven, river, creek, or harbour, nor in such place extending more than one third the distance across the same, or be within forty fathoms of each other, nor shall they be set within twenty fathoms of the shore at low water mark.

13. Every fish weir in the Parishes named in the preceding Section, dry at low water mark, or which in the opinion of the Wardens requires a gate, shall have a gate therein of such width and in such position as they may determine.

627 14. The Wardens and Overseers of the fisheries in the Parishes named in Section 12, shall severally seize and remove any net or obstruction whatever set or placed contrary to the provisions of this Chapter, and after five days notice may sell the same, together with any fish found therein, in some public place in the Parish where the seizure is made. After deducting from the proceeds the charges of seizure and sale, the residue shall be applied to the payment of any penalty incurred under this Chapter, and any overplus to the Overseers of the Poor where the offence was committed.

15. No herrings shall be taken between the fifteenth day of July and the fifteenth of October in any year, on the spawning ground at the southern head of Grand Manan, to commence at the eastern part

of Seal Cove, at a place known as Red Point; thence extending westerly along the coast and around the southern head of Bradford's Cove about five miles, and extending one mile from the shore; all nets or engines used for catching herring on the said ground within that period, shall be seized and forfeited; and every person engaged in using the same shall be guilty of a misdemeanour and punished accordingly.

16. Any owner or occupier of any fish weir violating the provisions of Section 13 of this Chapter, shall forfeit five pounds for each day's neglect after due notice.

17. Any person guilty of a breach of the provisions of Section 7 of this Chapter, shall pay a fine for each offence not exceeding five pounds nor less than ten shillings.

18. The penalties in Section 17 when recovered shall be paid to the prosecutor.

19. Any person guilty of a breach of any of the provisions of Section 12, shall for the first offence forfeit five pounds, for the second ten pounds, and for any subsequent offence fifteen pounds; one half shall be paid to the prosecutor, the other to the Overseers of the Poor for the use of the Poor where the offence was committed.

20. Any person guilty of a breach of any of the provisions of Sections 8 and 9, shall for each offence pay a fine not exceeding fifteen pounds nor less than ten shillings.

21. Any person guilty of a breach of any of the provisions of Section 10, shall for each offence forfeit the sum of ten shillings.

22. All fines and penalties under this Chapter, not otherwise disposed of, when recovered, shall be paid into the County Treasury, and appropriated one half to the Warden who may have prosecuted for the same, the other half to the use of the said county.

No. 82.—1856, April 14: *Statute of Prince Edward Island, 19 Vict., Cap. 14.*

An Act to repeal the Act relating to Light and Anchorage Duties, and to make other provisions in lieu thereof.

[Passed April 14, 1856.]

Whereas it is deemed expedient to repeal the Act of the fifteenth year of Her present Majesty's reign, intituled "An Act relating to light and anchorage duties," and to make other provisions in lieu thereof:

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that the said hereinbefore recited Act shall be, and the same is hereby repealed.

II. For each and every vessel registered in this Island, which shall hereafter, on its first voyage, sail from any port or place in this Island for any other port, place or country whatsoever, there shall be paid a light duty of six-pence per ton for each and every ton which such vessel shall admeasure, agreeably to its certificate of registry or enrollment, the same to be paid to the Controller of navigation laws at the port or place from which such vessel sails; and such Controller shall deliver to the master a certificate thereof, agreeably

to the form in the Schedule to this Act annexed, marked (A), which shall exempt the said vessel from further payment of light or anchorage duty in the same or any other port in this Island until the first day of January next after such payment, but no longer; and such vessel shall not be cleared at the Custom house without the production of such certificate; but new vessels leaving this island on their first voyage, and intended for sale, shall only be liable to pay two-pence per ton duty, unless they again return, when they shall immediately become liable to the full duty as aforesaid.

III. All other vessels coming into any port or place in this Island shall pay, on entry, six-pence per ton as aforesaid to the Controller of navigation laws, who shall grant a certificate thereof, agreeably to the form marked (A) in the schedule to this Act annexed, which shall exempt them from further payment of light or anchorage duty in that or any other port in this Island until the first day of January next after such payment, but no longer; and the Controller of navigation laws shall be paid seven and one-half *per centum* on all moneys so received by him as aforesaid for light duty.

IV. All vessels anchoring within any harbor or port in this Island, whether for shelter, to take in supplies, or otherwise, without the certificate aforesaid, shall pay six-pence per ton to the harbor master of the port or harbor, who shall grant a certificate thereof agreeably to the said form (A), which shall exempt them from further payment of anchorage or light duty in that or any other port or harbor in this Island until the first day of January next after such payment, but no longer.

V. The person receiving anchorage duties as aforesaid shall quarterly make a return in writing of the amount received by him to the Controller of navigation laws for the port, harbor or place for which

such person shall have been appointed; and shall make and
628 subscribe an affidavit at the foot of each return of the correctness thereof, in the form in the schedule to this Act annexed, marked (B), to be sworn before such Controller of navigation laws, who is hereby required and empowered to administer the oath for that purpose; and all sums of money, so received as aforesaid for anchorage duties, shall, at the time of such return being made, be paid to the Controller of navigation laws for the port, harbour or place as aforesaid, and shall by him be paid, together with all light duties collected under this Act, into the Treasury of this Island, to be applied as directed in and by the Act of the eighth Victoria, chapter three, intituled "An Act to make new provisions for the support of Lighthouses, Buoys and Beacons;" and such persons shall, for his services, be paid twenty pounds per centum on all moneys so received and paid over by him to such Controller as aforesaid for anchorage duties. Provided always, that nothing in this Act contained shall entitle or be construed to entitle any Controller of navigation laws to any sum or sums of money as per centage on any moneys received or paid over by or to him for anchorage duties as aforesaid.

VI. If the master of any vessel liable to any duty imposed by this Act shall, on demand, refuse to pay, or shall depart without paying the same, he shall forfeit five pounds in addition to the amount of duties; and the Controller of navigation laws, in the case of light duties, or the harbor master, in the case of anchorage duties, is hereby authorized, in his own name as such officer, to sue for and recover such

fine and duty before any one of Her Majesty's Justices of the Peace; which Justice is hereby directed and required, on oath being made by any such officer as aforesaid, to cause a capias to be issued for the recovery of the same, and immediately to proceed and adjudicate on the same; and if the amount of the judgment given by such Justice, and the costs and expenses, be not at once paid after the giving of such judgment, then the defendant shall be imprisoned for the same length of time, in proportion to the amount of the judgment, as he would have been under an execution issuing out of any Court for the recovery of small debts, constituted or to be constituted under any Act now or hereafter, for the time being, to be in force, on a judgment of a similar amount recovered therein.

VII. If the master of any vessel shall not pay any such duty or duties when duly demanded, or if such master shall conceal himself, or cannot be found on inquiry made on board such vessel, or if such master shall refuse to exhibit and show forth the certificate of registry or enrollment of such vessel, or any of the vessel's papers, showing the tonnage of such vessel, when demanded by any officer acting under this Act, such officer shall, and he is hereby authorized to seize such vessel or any part of her rigging, furniture or materials, and to employ other persons in doing the same, and to detain such vessel or materials until the duty or duties due and the expenses thereon are paid.

VIII. The remedies for the recovery of the duties and penalties aforesaid, given by the two last sections of this Act, may be both pursued, and at the same time or different times, or only one may be pursued, or otherwise, as the officer collecting the same may think fit.

IX. So much of the Act of the eighth year of Her present Majesty's reign, chapter three, intituled "An Act to make new provision for the support of lighthouses, buoys and beacons," as relates to and establishes the rates of light duties to be paid on account of vessels clearing from or entering at any port or place in this Island; and also the whole of the Act of the eleventh year of Her present Majesty's reign, chapter eleven, intituled "An Act to explain and amend an Act made and passed in the eighth year of the reign of Her present Majesty, intituled 'An Act to make new provisions for the support of lighthouses, buoys and beacons,'" be, and the same are hereby respectively repealed.

X. If any person shall assault, resist, molest, oppose, hinder, or obstruct any Controller of navigation laws or harbor master in the exercise of his office, or of any of the powers by this Act conferred upon him, or any person acting in his aid or assistance, such person shall forfeit and pay a fine not exceeding ten pounds, the same to be sued for and recovered in Her Majesty's name before any two of Her Majesty's Justices of the Peace for the County wherein the offence was committed, and if not paid on conviction, the offender shall be imprisoned for a period not exceeding six months.

XI. This Act shall continue and be in force for the space of ten years from the passing thereof, and from thence to the end of the then next session of the General Assembly, and no longer.

No. 83.—1868, May 22: *Statutes of Canada, 31 Vict. Cap. 61 (1868, Part II).*

An Act respecting Fishing by Foreign Vessels.

[Assented to 22nd May, 1868.]

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The Governor may, from time to time, grant to any foreign ship, vessel or boat, or to any ship, vessel or boat not navigated according to the laws of the United Kingdom, or of Canada, at such rate, and for such period not exceeding one year, as he may deem expedient, a license to fish for or take, dry or cure any fish of any kind whatever, in British waters, within three marine miles of any of the coasts, bays, creeks or harbours whatever, of Canada, not included within the limits specified and described in the first article of the convention between His late Majesty King George the Third and the United States of America, made and signed at London on the twentieth day of October, 1818.

2. Any commissioned officer of Her Majesty's Navy serving on board of any vessel of Her Majesty's Navy cruising and being in the waters of Canada for purpose of affording protection to Her Majesty's Subjects engaged in the fisheries, or any commissioned officer of Her Majesty's Navy, Fishery officer, or Stipendiary Magistrate on board of any vessel belonging to or in the service of the Government of Canada and employed in the service of protecting the fisheries, or any officer of the Customs of Canada, Sheriff, Magistrate or other person duly commissioned for that purpose, may go on board of any ship, vessel or boat within any harbour in Canada or hovering (in British waters) within three marine miles of any of the coasts, bays, creeks or harbors in Canada, and stay on board so long as she may remain within such place or distance.

3. If such ship, vessel or boat be bound elsewhere, and shall continue within such harbour or so hovering for twenty-four hours after the Master shall have been required to depart, any one of such officers or persons as are above mentioned may bring such ship, vessel or boat into port and search her cargo, and may also examine the Master upon oath touching the cargo and voyage; and if the Master or person in command shall not truly answer the questions put to him in such examination, he shall forfeit four hundred dollars; and if such ship, vessel or boat be foreign, or not navigated according to the laws of the United Kingdom or of Canada, and have been found fishing, or preparing to fish, or to have been fishing (in British waters) within three marine miles of any of the coasts, bays, creeks or harbours of Canada, not included within the above mentioned limits, without a license, or after the expiration of the period named in the last license granted to such ship, vessel or boat under the first section of this Act, such ship, vessel or boat and the tackle, rigging, apparel, furniture, stores and cargo thereof shall be forfeited.

4. All goods, ships, vessels and boats and the tackle, rigging, apparel, furniture, stores and cargo liable to forfeiture under this Act, may be seized and secured by any officers or persons mentioned in the second section of this Act; and every person opposing any officer or person in the execution of his duty under this Act, or aiding or

abetting any other person in any opposition, shall forfeit eight hundred dollars, and shall be guilty of a misdemeanor, and upon conviction be liable to imprisonment for a term not exceeding two years.

5. Goods, ships, vessels and boats and the tackle, rigging, apparel, furniture, stores and cargo seized as liable to forfeiture under this Act, shall be forthwith delivered into the custody of the Collector or other principal officer of the Customs at the port nearest to the place where seized, to be secured and kept as other goods, ships, vessels and boats and the tackle, rigging, apparel, furniture, stores and cargo seized are directed by the laws in force in the Province in which such port is situate to be secured and kept, or into such other custody and keeping as the Governor in Council, or a court of Vice-Admiralty shall order.

6. All goods, vessels and boats and the tackle, rigging, apparel, furniture, stores and cargo, condemned as forfeited under this Act shall, by direction of the Collector or other principal officer of the Customs at the port where the seizure has been secured, be sold at public auction; and the proceeds of such sale shall be applied as follows: The amount chargeable for the custody of the property seized shall first be deducted and paid over for that service; one half of the remainder shall be paid without deduction to the officer or person seizing the same; and the other half, after first deducting therefrom all costs incurred, shall be paid to the Receiver General of Canada through the Department of Marine and Fisheries; but the Governor in Council may, nevertheless, direct that any ship, vessel, boat or goods and the tackle, rigging, apparel, furniture, stores and cargo seized and forfeited shall be destroyed, or be reserved for the public service.

7. Any penalty or forfeiture under this Act may be prosecuted and recovered in any court of Vice-Admiralty within Canada.

8. The Judge of the court of Vice-Admiralty may, with the consent of the person seizing any goods, ship, vessel or boat and the tackle, rigging, apparel, furniture, stores and cargo, as forfeited under this Act, order the re-delivery thereof, on security by bond to be given by the party, with two sureties, to the use of Her Majesty: and in case any goods, ship, vessel or boat or the tackle, rigging, apparel, furniture, stores and cargo so re-delivered is condemned as forfeited, the value thereof shall be paid into court and distributed as above directed.

9. Her Majesty's Attorney General for Canada may sue for and recover in Her Majesty's name any penalty or forfeiture incurred under this Act.

10. In case a dispute arises as to whether any seizure has or has not been legally made or as to whether the person seizing was or was not authorised to seize under this Act, oral evidence may be heard thereupon, and the burden of proving the illegality of the seizure shall be upon the owner or claimant.

11. No claim to any thing seized under this Act and returned into any Court of Vice Admiralty for adjudication shall be admitted unless the claim be entered under oath, with the name of the owner, his residence and occupation, and the description of the property claimed; which oath shall be made by the owner, his attorney or agent, and to the best of his knowledge and belief.

12. No person shall enter a claim to any thing seized under this Act until security has been given in a penalty not exceeding two hundred and forty dollars to answer and pay costs occasioned by such claim; and in default of such security the things seized shall be adjudged forfeited, and shall be condemned.

13. No Writ shall be sued out against any officer or other person authorized to seize under this Act for any thing done under this Act, until one month after notice in writing delivered to him or left at his usual place of abode by the person intending to sue out such Writ, his attorney or agent; in which notice shall be contained the cause of action, the name and place of abode of the person who is to bring the action, and of his Attorney or Agent; and no evidence of any cause of action shall be produced except such as shall be contained in such notice.

630 14. Every such action shall be brought within three months after the cause thereof has arisen.

15. If on any information or suit brought to trial under this Act on account of any seizure, judgment shall be given for the claimant, and the Judge or Court shall certify on the record that there was probable cause of seizure, the claimant shall not recover costs, nor shall the person who made the seizure be liable to any indictment or suit on account thereof; and if any suit or prosecution be brought against any person on account of any seizure under this Act and judgment be given against him, and the Court or Judge shall certify that there was probable cause for the seizure, then the Plaintiff, besides the thing seized or its value, shall not recover more than three and a half cents damages, nor any costs of suit, nor shall the Defendant be fined more than twenty cents.

16. Any officer or person who has made a seizure under this Act may, within one month after notice of action received, tender amends to the party complaining, or to his Attorney or Agent, and may plead such tender.

17. All actions for the recovery of penalties or forfeitures imposed by this Act must be commenced within three years after the offence committed.

18. No appeal shall be prosecuted from any decree, or sentence of any Court touching any penalty or forfeiture imposed by this Act, unless the inhibition be applied for and decreed within twelve months from the decree or sentence being pronounced.

19. In cases of seizure under this Act, the Governor in Council may, by order, direct a stay of proceedings; and in cases of condemnation may relieve from the penalty in whole or in part, and on such terms as may be deemed right.

20. The several provisions of this Act shall apply to any foreign ship, vessel or boat in or upon the Inland Waters of Canada; and the provisions hereinbefore contained in respect to any proceedings in a court of Vice-Admiralty shall, in the case of any foreign ship, vessel or boat, in or upon the Inland Waters of Canada, apply to, and any penalty or forfeiture in respect thereof shall be prosecuted and recovered in, one of the Superior Courts of the Province within which such cause of prosecution may arise.

21. Neither the ninety-fourth chapter of the Revised Statutes of Nova Scotia, (third series,) "*Of the Coast and Deep Sea Fisheries,*" nor the Act of the Legislature of the Province of Nova Scotia, passed

in the twenty-ninth year of Her Majesty's Reign, chapter thirty-five, amending the same, nor the Act of the Legislature of the Province of New Brunswick passed in the sixteenth year of Her Majesty's reign, chapter sixty-nine, intituled: "*An Act relating to the Coast Fisheries, and for the prevention of Illicit Trade,*" shall apply to any case to which this Act applies; and so much of the said chapter and of each of the said Acts as makes provision for cases provided for by this Act, is hereby declared to be inapplicable to such cases.

No. 84.—1870, May 12: *Statute of Canada, 33 Vict., Cap. 15.*

An Act to amend the Act respecting Fishing by Foreign Vessels.

[*Assented to 12th May, 1870.*]

Whereas it is expedient, for the more effectual protection of the in-shore fisheries of Canada against intrusion by foreigners, to amend the Act intituled "*An Act respecting Fishing by Foreign Vessels,*" passed in the Thirty-first year of Her Majesty's Reign; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The Third Section of the above cited Act shall be, and is hereby repealed, and the following section is enacted in its stead:—

“3. Any one of such officers or persons as are above-mentioned, may bring any ship, vessel, or boat, being within any harbor in Canada, or hovering (in British waters) within three marine miles of any of the coasts, bays, creeks, or harbors in Canada, into port, and search her cargo, and may also examine the Master upon oath touching the cargo and voyage; and if the Master, or person in command, shall not truly answer the questions put to him in such examination, he shall forfeit four hundred dollars; and if such ship, vessel, or boat be foreign, or not navigated according to the laws of the United Kingdom, or of Canada, and have been found fishing, or preparing to fish, or to have been fishing (in British waters) within three marine miles of any of the coasts, bays, creeks, or harbors of Canada, not included within the above-mentioned limits, without a license, or after the expiration of the period named in the last license granted to such ship, vessel, or boat, under the first section of this Act, such ship, vessel, or boat, and the tackle, rigging, apparel, furniture, stores, and cargo thereof shall be forfeited.”

2. This Act shall be construed as one with the said Act “*respecting Fishing by Foreign Vessels.*”

631 No. 85.—1872, June 14: *Statute of Canada, 35 Vict., Cap. 2.*

An Act relating to the Treaty of Washington, 1871.

[*Assented to 14th June, 1872.*]

Whereas by article thirty-three of the Treaty between Her Majesty and the United States of America, signed at the City of Washington on the eighth day of May, 1871, it is provided that articles eighteen

to twenty-five inclusive, relating to the fisheries, shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislature of Prince Edward's Island, on the one hand, and by the Congress of the United States on the other, and that such assent having been given, the said articles shall remain in force for the term of years mentioned in the said article thirty-three; and whereas it is expedient that the laws required to carry the said treaty into effect as respects Canada, should be passed by the Parliament of the Dominion: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The act of the Parliament of Canada passed in the thirty-first year of Her Majesty's reign, chapter sixty-one, intituled "*An Act respecting Fishing by Foreign Vessels*," and the Act of the said Parliament passed in the thirty-third year of Her Majesty's reign, chapter fifteen, intituled: "*An Act to amend the Act respecting fishing by Foreign Vessels*,"—and the Act of the said Parliament passed in the thirty-fourth year of Her Majesty's reign, chapter twenty-three, intituled: "*An Act further to Amend the Act respecting fishing by Foreign Vessels*,"—and the ninety-fourth chapter of the Revised Statutes of Nova Scotia, (third series) intituled: "*Of Coast and Deep Sea Fisheries*,"—and the Act of the legislature of Nova Scotia, passed in the twenty-ninth year of Her Majesty's Reign, chapter thirty-five, amending the same,—and the Act of the legislature of New Brunswick, passed in the sixteenth year of Her Majesty's Reign, chapter sixty-nine, intituled "*An Act relating to the coast fisheries, and for the preventing of illicit trade*," so far as the said Acts of the Legislatures of Nova Scotia and New Brunswick, respectively, apply to any case to which the said Acts of the Parliament of Canada apply, shall be and are hereby suspended as respects vessels and inhabitants of the United States of America engaged in taking fish of every or any kind except shell-fish, on the seacoasts and shores, and in the bays, harbours, and creeks of the Provinces of Quebec, Nova Scotia, and New Brunswick, as shall also all Acts, laws, or regulations (if any) over which the Parliament of Canada has control, which would in any wise prevent or impede the full effect of the said Article eighteen.

2. Fish oil and fish of all kinds (except fish of the inland lakes and of the rivers falling into them, and except fish preserved in oil) being the produce of the fisheries of the United States, shall be admitted into Canada free of duty.

3. Goods, wares, and merchandize arriving at any of the ports of Canada, and destined for the United States of America, may be entered at the proper custom house, and conveyed in transit, without the payment of duties, through Canada, under such rules, regulations, and conditions for the protection of the Revenue, as the Governor in Council may from time to time prescribe; and under like rules, regulations, and conditions, goods, wares and merchandize may be conveyed in transit, without payment of duties, from the United States through Canada, to other places in the United States, or for export from ports in Canada.

4. Citizens of the United States may carry in United States' vessels, without payment of duty, goods, wares and merchandize from one port or place in Canada to another port or place in Canada,

provided that a portion of such transportation is made through the territory of the United States by land carriage, and in bond, under such rules and regulations as may be agreed upon between the Government of Her Majesty, and the Government of the United States.

5. The foregoing sections of this Act shall come into force upon from and after a day to be appointed for that purpose by a Proclamation based upon an order of the Governor in Council, and shall remain in force during the term of years mentioned in Article thirty three of the said Treaty.

No. 86.—1886, December 24: Statute of Canada, 49 Vict., Cap. 114.

An Act further to amend the Act respecting Fishing by Foreign Vessels.

(Reserved by the Governor General on Wednesday, 2nd June, 1886, for the signification of the Queen's pleasure thereon. Royal Assent given by Her Majesty in Council, on the 26th day of November, 1886. Proclamation thereof made on the 24th day of December, 1886.)

Whereas it is expedient for the more effectual protection of the inshore fisheries of Canada, against intrusion by foreigners, to further amend the Act intituled "An Act respecting Fishing 632 by Foreign Vessels," passed in the thirty-first year of Her Majesty's Reign, and chaptered sixty-one: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada enacts as follows:—

1. The section substituted by the first section of the Act thirty-third Victoria, chapter fifteen, intituled "An Act to amend the Act respecting Fishing by Foreign Vessels," for the third section of the hereinbefore recited Act, is hereby repealed, and the following section substituted in lieu thereof:

"3. Any one of the officers or persons hereinbefore mentioned may bring any ship, vessel or boat, being within any harbour in Canada, or hovering in British waters within three marine miles of any of the coasts, bays, creeks or harbours in Canada, into port, and search her cargo, and may also examine the master upon oath touching the cargo and voyage; and if the master or person in command does not truly answer the questions put to him in such examination, he shall incur a penalty of four hundred dollars; and if such ship, vessel or boat is foreign, or not navigated according to the laws of the United Kingdom or of Canada, and (a) has been found fishing or preparing to fish, or to have been fishing in British waters within three marine miles of any of the coasts, bays, creeks or harbours of Canada, not included within the above mentioned limits, without a license, or after the expiration of the term named in the last license granted to such ship, vessel or boat, under the first section of this Act, or (b) has entered such waters for any purpose not permitted by treaty or convention, or by any law of the United Kingdom or of Canada for the time being in force, such ship, vessel or boat and the tackle, rigging, apparel, furniture, stores an cargo thereof shall be forfeited."

2. The acts mentioned in the schedule hereto are hereby repealed.
 3. This Act shall be construed as one with the said "Act respecting Fishing by Foreign Vessels" and the amendments thereto.

SCHEDULE.—*Acts of the Legislature of the Province of Nova Scotia.*

Year, Reign, and Chapter.	Title of Act.	Extent of Repeal.
Revised Statutes, 3rd series, c. 94. 29 Vic. (1866), c. 35.....	Of the Coast and Deep Sea Fisheries..... An Act to amend Chapter 94 of the Revised Statutes "Of the Coast and Deep Sea Fisheries."	The whole. The whole.

ACT OF THE LEGISLATURE OF THE PROVINCE OF NEW BRUNSWICK.

6 Vic. (1853), c. 69.....	And [An] Act relating to the Coast Fisheries and for the prevention of illicit trade.	The whole.
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No. 87.—1886, *Statute of Canada: Revised Statutes, 1886, cap. 94.*

An Act respecting Fishing by Foreign Vessels.

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Governor in Council may, from time to time, grant to any foreign ship, vessel or boat, or to any ship, vessel or boat not navigated according to the laws of the United Kingdom or of Canada, at such rate and for such term not exceeding one year, as he deems expedient, a licence to fish for, take, dry or cure any fish of any kind whatsoever, in British waters, within three marine miles of any of the coasts, bays, creeks or harbors of Canada, not included within the limits specified and described in the first article of the convention between his late Majesty King George the Third and the United States of America, made and signed at London, on the twentieth day of October, one thousand eight hundred and eighteen. 31 V., c. 61, s. 1;—46 V., c. 27, s. 1.

2. Any commissioned officer of Her Majesty's navy, serving on board of any vessel of Her Majesty's navy cruising and being in the waters of Canada for the purpose of affording protection to Her Majesty's subjects engaged in the fisheries, or any commissioned officer of Her Majesty's navy, fishery officer or stipendiary magistrate, on board of any vessel belonging to or in the service of the Government of Canada and employed in the service of protecting the fisheries, or any officer of the customs of Canada, sheriff, justice of the peace or other person duly commissioned for that purpose, may go on board of any ship, vessel or boat within any harbor in Canada or hovering in British waters within three marine miles of any of the coasts, bays, creeks or harbors in Canada, and stay on board so long as she remains within such harbor or distance. 31 V., c. 61, s. 2.

633 3. Any one of the officers or persons hereinbefore mentioned may bring any ship, vessel or boat, being within any harbor in Canada, or hovering in British waters, within three marine miles of any of the coasts, bays, creeks or harbors in Canada, into port, and search her cargo, and may also examine the master upon oath

touching the cargo and voyage; and if the master or person in command does not truly answer the questions put to him in such examination, he shall incur a penalty of four hundred dollars; and if such ship, vessel or boat is foreign, or not navigated according to the Laws of the United Kingdom or of Canada, and (a) has been found fishing or preparing to fish, or to have been fishing in British waters within three marine miles of any of the coasts, bays, creeks or harbors of Canada, not included within the abovementioned limits, without a licence, or after the expiration of the term named in the last licence granted to such ship, vessel or boat, under the first section of this Act, or (b) has entered such waters for any purpose not permitted by treaty or convention, or by any law of the United Kingdom or of Canada for the time being in force, such ship, vessel or boat and the tackle, rigging, apparel, furniture, stores and cargo thereof shall be forfeited. 49 V., c. 114, s. 1.

4. All goods, ships, vessels and boats and the tackle, rigging, apparel, furniture, stores and cargo liable to forfeiture under this Act, may be seized and secured by any officers or persons mentioned in the second section of this Act; and every person opposing any officer or person in the execution of his duty under this Act, or aiding or abetting any other person in any such opposition, is guilty of a misdemeanor, and liable to a fine of eight hundred dollars and to two years' imprisonment. 31 V., c. 61, s. 4.

5. Goods, ships, vessels and boats, and the tackle, rigging, apparel, furniture, stores and cargo seized as liable to forfeiture under this Act, shall be forthwith delivered into the custody of such fishery officer, or customs officer or other person, as the Minister of Marine and Fisheries, from time to time, directs, or shall be retained by the officer making the seizure in his own custody, if so directed by the Minister,—and in either case shall be secured and kept as other goods, ships, vessels and boats, and the tackle, rigging, apparel, furniture, stores and cargo seized are directed by the laws in force in the Province in which the seizure is made, to be secured and kept. 34 V., c. 23, s. 1.

6. All goods, vessels and boats, and the tackle, rigging, apparel, furniture, stores and cargo condemned as forfeited under this Act, shall be sold by public auction, by direction of the officer who has the custody thereof, under the provisions of the next preceding section of this Act, and under regulations made, from time to time, by the Governor in Council; and the proceeds of every such sale shall be subject to the control of the Minister of Marine and Fisheries, who shall first pay thereout all necessary costs and expenses of custody and sale; and the Governor in Council may, from time to time, apportion three-fourths, or less, of the net remainder, among the officers and crew of any of Her Majesty's ships or Canadian Government vessel, from on board of which the seizure was made, as he thinks right,—reserving to the Crown and paying over to the Minister of Finance and Receiver General, at least one-fourth of such net remainder, to form part of the Consolidated Revenue Fund of Canada; but the Governor in Council may, nevertheless, direct that any goods, vessel or boat, and the tackle, rigging, apparel, furniture, stores and cargo seized and forfeited, shall be destroyed, or be reserved for the public service. 34 V., c. 23, s. 2.

7. Every penalty or forfeiture under this Act may be recovered or enforced in any court of vice-admiralty within Canada. 31 V., c. 61, s. 7.

8. The judge of the court of vice-admiralty may, with the consent of the person who seizes any goods, ship, vessel or boat and the tackle, rigging, apparel, furniture, stores and cargo, forfeited under this Act, order the re-delivery thereof, on security by bond to be given by the party, with two sureties, to the use of Her Majesty; and if any goods, ship, vessel or boat, or the tackle, rigging, apparel, furniture, stores and cargo so re-delivered are condemned as forfeited, the value thereof shall be paid into court and distributed as hereinbefore directed. 31 V., c. 61, s. 8.

9. The Attorney General of Canada may, in Her Majesty's name, sue for or enforce any penalty or forfeiture incurred under this Act. 31 V., c. 61, s. 9.

10. If a dispute arises as to whether any seizure has or has not been legally made or as to whether the person who seized was or was not authorized to seize under this Act, oral evidence may be taken and the burden of proving the illegality of the seizure shall lie upon the owner or claimant. 31 V., c. 61, s. 10.

11. No claim to anything seized under this Act and returned into any court of vice-admiralty for adjudication shall be admitted unless the claim is entered under oath, with the name of the owner, his residence and occupation, and the description of the property claimed,—which oath shall be made by the owner, his attorney or agent, and to the best of his knowledge and belief. 31 V., c. 61, s. 11.

12. No person shall enter a claim to anything seized under this Act until security is given, in a penal sum not exceeding two hundred and forty dollars, to answer and pay costs occasioned by such claim; and in default of such security, the things seized shall be declared forfeited, and shall be condemned. 31 V., c. 61, s. 12.

13. No writ shall be sued out against any officer or other person authorized to seize under this Act for anything done under this Act, until one month after notice in writing has been delivered to him or left at his usual place of abode by the person intending to sue out such writ, his attorney or agent,—in which notice shall be contained the cause of action, the name and place of abode of the person who is to bring the action, and of his attorney or agent; and no evidence of any cause of action shall be admitted except such as is contained in such notice. 31 V., c. 61 s. 13.

14. Every such action shall be brought within three months after the cause thereof has arisen. 31 V., c. 61, s. 14.

15. If on any information or suit brought to trial under this Act on account of any seizure, judgment is given for the claimant, and the court or judge certifies that there was probable cause for seizure,

the claimant shall not be entitled to costs, and the person who
634 made the seizure shall not be liable to any indictment or suit
on account thereof; and if any suit or prosecution is brought
against any person on account of any seizure under this Act, and
judgment is given against him, and the court or judge certifies that
there was probable cause for the seizure, the plaintiff, besides the
thing seized or its value, shall not recover more than four cents
damages, and shall not recover any costs, and the defendant shall not
be fined more than twenty cents. 31 V., c. 61, s. 15.

16. Every officer or person who has made a seizure under this Act may, within one month after notice of action received, tender amends to the person complaining, or to his attorney or agent, and may plead such tender. 31 V., c. 61, s. 16.

17. All actions for the recovery or enforcement of penalties or forfeitures imposed by this Act shall be commenced within three years after the offence committed. 31 V., c. 61, s. 17.

18. No appeal shall be prosecuted from any decree, or sentence of any court, in respect of any penalty or forfeiture imposed by this Act, unless the inhibition is applied for and decreed within twelve months from the decree or sentence being pronounced. 31 V., c. 61, s. 18.

19. In cases of seizure under this Act, the Governor in Council may direct a stay of proceedings; and in cases of condemnation, may relieve from the penalty, in whole or in part, and on such terms as are deemed right. 31 V., c. 61, s. 19.

20. This Act shall apply to every foreign ship, vessel or boat in or upon the inland waters of Canada; and the provisions hereinbefore contained in respect of any proceedings in a court of vice-admiralty shall, in the case of any such foreign ship, vessel or boat, apply to the Maritime Court of Ontario and to the superior courts, and any penalty or forfeiture under this Act may be recovered or enforced in any of such courts in the Province within which the cause of prosecution arises. 31 V., c. 61, s. 20.

No. 88.—1890, May 16: *Statute of Canada, 53 Vict., Cap. 19.*

An Act respecting Fishing Vessels of the United States of America.

[*Assented to 16th May, 1890.*]

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Governor in Council may authorize the issue of licences to United States fishing vessels enabling them to enter any port on the Atlantic coast of the Dominion of Canada, during the calendar year one thousand eight hundred and ninety, for the following purposes:—

(a.) The purchase of bait, ice, seines, lines, and all other supplies and outfitts;

(b.) The transhipment of catch, and the shipping of crews:

2. The fee for such licences shall be one dollar and fifty cents per ton, and the terms and conditions thereof shall be determined by the Governor in Council.

2. All licences issued by the Government of Newfoundland, granting to United States fishing vessels the privilege of entering the ports of Newfoundland for the purposes hereinabove mentioned, shall be valid in Canadian ports, whenever licences issued by the Dominion of Canada to such vessels shall be valid for the said purposes in the ports of Newfoundland.

No. 89.—1891, July 10: Statute of Canada, 54 and 55 Vict., Cap. 4.

An Act respecting Fishing Vessels of the United States of America.

[Assented to 10th July, 1891.]

Whereas the “*Act respecting Fishing Vessels of the United States of America*,” assented to on the sixteenth day of May, one thousand eight hundred and ninety, expired on the thirty-first day of December, one thousand eight hundred and ninety; and whereas it is expedient to continue, for the present season, the privileges accorded United States fishing vessels under the provisions of that Act: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Governor in Council may authorize the issue of licences to United States fishing vessels, enabling them to enter any port on the Atlantic Coast of the Dominion of Canada, during the calendar year one thousand eight hundred and ninety-one, for the following purposes:—

(a.) The purchase of bait, ice, seines, lines and all other supplies and outfits;

(b.) The transhipment of catch and the shipping of crews:

2. The fee for such licenses shall be one dollar and fifty cents per ton register, and the terms and conditions thereof shall be determined by the Governor in Council.

2. All licenses issued by the Government of Newfoundland, granting to United States fishing vessels the privilege of entering the ports of Newfoundland for the purposes hereinbefore mentioned, shall be valid in Canadian ports, whenever licenses issued by the Dominion of Canada to such vessels are valid for the said purposes in the ports of Newfoundland.

635 No. 90.—1891, August 28: Statute of Canada, 54 and 55 Vict., Cap. 43.

An Act further to amend “The Fisheries Act,” chapter ninety-five of the Revised Statutes.

[Assented to 28th August, 1891.]

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section fourteen of “*The Fisheries Act*” is hereby amended by adding thereto the following sub-section:—

“15. The use of purse seines for the catching of fish in any of the waters of Canada is prohibited, under a penalty for each offence of not less than fifty dollars, and not exceeding five hundred dollars, together with the confiscation of the vessel, boat and apparatus used in connection with such catching.”

2. Sub-section four of section eighteen of the said Act is hereby repealed and the following substituted therefor:—

“4. A moiety of every pecuniary penalty levied by virtue of this Act shall belong to Her Majesty, and the other moiety shall be paid to the prosecutor, together with costs taxed to him in respect thereof.”

No. 91.—1892, May 10: *Statute of Canada, 55 and 56 Vict., cap. 3.*

An Act respecting Fishing Vessels of the United States.

[*Assented to 10th May, 1892.*]

Whereas the *Act respecting Fishing Vessels of the United States of America*, assented to on the tenth day of July, one thousand eight hundred and ninety-one, expired on the thirty-first day of December, one thousand eight hundred and ninety-one; and whereas it may be expedient to continue from time to time, the privileges accorded United States fishing vessels under the provisions of that Act: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Governor in Council may, from time to time, authorize the issue of licences to United States fishing vessels, enabling them to enter any port on the Atlantic coast of Canada, during the periods mentioned in such licences, for the following purposes:—

(a.) The purchase of bait, ice, seines, lines and all other supplies and outfits;

(b.) The transhipment of catch, and the shipping of crews;

2. The fee for such licences shall be one dollar and fifty cents per ton register, and the terms and conditions thereof shall be determined by the Governor in Council:

3. No licence shall be issued for a longer period than one calendar year, and all licences shall expire on the thirty-first day of December of the year for which they are issued.

2. The Order in Council for the issue of such licences shall without delay be communicated to both Houses of Parliament, if Parliament is then in session, or, if not then in session, within the first ten days of the then next session.

No. 92.—1906, *Statutes of Canada: Revised Statutes, 1906, Cap. 45.^a*

An Act respecting Fisheries and Fishing.

SHORT TITLE.

1. This Act may be cited as the Fisheries Act. R. S., c. 95, s. 1.

INTERPRETATION.

2. In this Act, unless the context otherwise requires, the expression "Minister" means the Minister of Marine and Fisheries.

3. Shell-fish fisheries shall be subject to the provisions of this Act, and any regulations made under it. R. S., c. 95, s. 21.

4. Nothing in this Act contained shall be taken to authorize the grant of fishery leases conferring an exclusive right to fish in property belonging not to the Dominion but to some province thereof.

^a Act now questioned by the United States: see Appendix, pp. 4-5.

5. Nothing in this Act contained shall preclude the granting by the Minister of written permission to obtain fish and fish spawn for purposes of stocking or artificial breeding or for scientific purposes. R. S., c. 95, s. 21.

FISHERY OFFICERS.

6. The Governor in Council may appoint fishery officers whose powers and duties shall be as defined by this Act and the regulations made under it, and by instructions from the Department of Marine and Fisheries.

2. Every such officer, who is authorized by the Governor in Council to exercise the powers of a justice of the peace, shall for all the purposes of this Act and the regulations made under it, be *ex officio* a justice of the peace, within the district for which he is appointed to act as such fishery officer. R. S., c. 95, s. 2.

7. Every fishery officer shall take and subscribe an oath in the form following, that is to say:—

“I, A.B., a fishery officer in and for the district described in my appointment, do solemnly swear, that to the best of my judgment, I will faithfully, honestly and impartially fulfil, execute and perform the office and duty of such officer according to the true intent and meaning of the Fisheries Act and regulations, and in accordance with my instructions. So help me God.” R. S., c. 95, s. 3.

FISHERY LEASES AND LICENSES.

8. The Minister may, wherever the exclusive right of fishing does not already exist by law, issue or authorize to be issued fishery leases and licenses for fisheries and fishing wheresoever situated or carried on; but leases or licenses for any term exceeding nine years shall be issued only under authority of the Governor in Council. R. S., c. 95, s. 4.

WHALE FISHING.

9. No one shall at any time engage in the manufacture from whales of oil or other commercial product, and no vessel or boat shall be employed in the whale fishery, except under license from the Minister.

2. The Minister may issue licenses to manufacture oil or other commercial product from whales and to employ boats or vessels in whale fishery, but no such license shall issue until,—

(a) the Minister has approved of the site of the factory, which shall not be within fifty miles of any other whale factory, or in such proximity to any inhabited place or places as in the opinion of the Minister may cause danger or detriment to the public health;

(b) the applicant therefor has given assurances to the Minister, of a satisfactory nature, that he is in a position to convert any whale captured into commercial products within twenty-four hours of the landing of such whale, and that he is also in a position to conduct his whale factory and business in such a manner that no noxious or deleterious matter will be introduced into any public waters, bays, creeks, rivers or harbours;

- (c) the applicant has filed with the Minister plans and specifications of the machinery to be contained in the proposed factory, and particulars of the reduction process;
- (d) the applicant has satisfied the Minister that the machinery proposed to be used is of a kind already proved efficient for such purposes, and of the most approved type theretofore used in the whaling industry.

3. No license shall be for a period exceeding nine years; but the Governor in Council may renew a license in favour of the licensee from time to time for periods of nine years, upon receipt of an application, in writing, for renewal, six months previously to the termination of the current period.

4. The holder of any such license shall not operate more than one whaling steamer in connection with the whale factory under license.

5. The license shall become void and forfeited unless the factory named therein is erected, equipped and working within two years from the date of the issue of the license.

6. The fee charged on each such license shall be eight hundred dollars for the first year, one thousand dollars for the second year, and twelve hundred dollars for the third and each ensuing year, and the fee on all subsequent licenses for the same factory shall be twelve hundred dollars; such fee shall be payable to the Minister of Marine and Fisheries, first on the issue of the license, and on the first day of July in each year thereafter: Provided that the Governor in Council, after the first two years, may exact, in lieu of such fee, a sum equal to two per centum of the gross earnings of each factory, which shall be payable as aforesaid.

7. Every license, upon cause shown, after one month's notice in writing to the licensee, shall be liable to forfeiture for any infraction of this section, or any regulation under it, or for failure to fulfil and carry out the assurances required by this section to be given to the Minister previously to the issuing of a license; and in the case of forfeiture, the Minister may, without any suit or other proceedings at law, and without compensation, cancel the license.

637 8. The Governor in Council may, from time to time, make such regulations as to him seem necessary for carrying out and enforcing any of the provisions of this section, and for controlling and regulating the manufactures carried on in the licensed factories, and the disposal of all refuse therefrom.

9. Boats known as tow-boats shall not be used by any one in the prosecution of the whaling industry, and no vessel other than the vessel from which the whales have been captured or killed, shall, by any method or contrivance, bring or tow into port any whale for manufacture or other purpose; but nothing in this section shall prevent any one, other than the holder of a license, or his employees, from towing any dead whale to land, and having it manufactured or otherwise disposing of it in accordance with the provisions of this section.

10. No one shall pursue, capture, shoot or kill any whale within the distance of one-half nautical mile of any vessel or boat not at anchor or engaged in any kind of fishing, or within one nautical mile of any vessel or boat at anchor or engaged in any kind of fishing.

11. No one shall have in his possession, or use in the catching or killing of whales any contrivance which does not include a harpoon,

with a whaling line attached thereto, fixed or fastened to the boat or vessel from which the whale is captured or killed.

12. Notwithstanding anything in this section, the license fee payable for any vessel or boat engaged in the whale fishery or hunting whales within the waters of Hudson Bay, or the territorial waters of Canada north of the fifty-fifth parallel of north latitude, if not so engaged or hunting in connection with a factory established in Canada, shall be fifty dollars for each year; and, inasmuch as Hudson Bay is wholly territorial water of Canada, the requirements of this section as to licensing, and as to the fee payable therefor, shall apply to every vessel or boat engaged in the whale fishery or hunting whales in any part of the waters of Hudson Bay, whether such vessel or boat belongs to Canada, or is registered and outfitted in, or commences her voyage from, any other British or foreign country. 4 E. VII., c. 13, s. 1; 6 E. VII., c. 13, s. 1.

COD-FISHING.

10. No one shall use mackerel, herring or caplin seines for taking codfish, and no codfish seine shall be of a less sized mesh than four inches in extension in the arms, and three inches in the bunt or bottom of the seine. R. S., c. 95, s. 5.

SEAL FISHERIES.

11. No one shall with boat or vessel, during the time of fishing for seals, knowingly or wilfully disturb, impede or injure any sedentary seal fishery, or prevent, hinder or frighten the shoals of seals coming into such fishery.

2. Disputes between occupiers of seal fisheries concerning limits and the mode of fishing or setting nets, shall be decided summarily by any fishery officer or justice of the peace, by whom arbitrators may be appointed to assess damages; and any damages assessed or which arise out of a repetition or continuance of the difficulty ordered to be remedied, may be levied under the warrant of any fishery officer or justice of the peace. R. S., c. 95, s. 7.

SALMON FISHERY.

12. Salmon shall not be fished for, caught or killed,—

(a) in the provinces of Ontario or Quebec, or in the river Restigouche, between the thirty-first day of July and the first day of May; or,

(b) in the provinces of New Brunswick or Nova Scotia, between the fifteenth day of August and the first day of March; or,

(c) in the province of Prince Edward Island, between the first day of September and the thirty-first day of December.

2. Notwithstanding anything in this section contained, it shall be lawful to fish for, catch and kill salmon with a rod and line in the manner known as fly-surface-fishing between the first day of February and the fifteenth day of August, in the provinces of Quebec, New Brunswick and Nova Scotia. R. S., c. 95, s. 8; O.C., 52 V., p. xli.

13. Foul or unclean salmon shall not be, at any time, caught or killed. R. S., c. 95, s. 8.

14. Salmon fry, parr and smelt shall not at any time, be fished for, caught or killed, and no salmon or grilse of less weight than three pounds shall be caught or killed: Provided that no penalty shall attach if such fish are caught by accident in nets lawfully used for other fish, and if they are liberated alive, at the cost and risk of the owner of the fishery, on whom, in every case, the proof of such actual liberation shall devolve. R. S., c. 95, s. 8.

15. Meshes of nets used for capturing salmon shall be at least five inches in extent, and nothing shall be done to practically diminish their size. R. S., c. 95, s. 8.

16. The use of nets or other apparatus for the capture of salmon shall be confined to tidal water, and any fishery officer may determine the length and place of each net or other apparatus used in any of the waters of Canada.

2. No one shall fish for or catch salmon with swing nets in any waters of Canada. 52 V., c. 24, s. 1.

17. The Minister, or any fishery officer duly authorized, shall have power to define the tidal boundary of the estuary fishing for the purposes of this Act. R. S., c. 95, s. 8.

638 18. All nets, or other lawful appliances for the capture of salmon, shall be placed at distances of not less than two hundred and fifty yards apart, without intermediate fishing materials of any kind being set or used in and about any other part of the stream. R. S., c. 95, s. 8.

19. No one shall drift for salmon, except when under license in the provinces of New Brunswick and British Columbia.

2. In the province of British Columbia drifting with salmon nets shall be confined to tidal waters.

3. Drift nets for salmon shall be so set or used as not to obstruct more than one-third of the width of any river. 57-58 V., c. 51, s. 2.

20. Any fishery officer may direct, either in writing or orally on sight, that a greater space than two thousand and fifty yards shall be left between salmon nets, or other fishing apparatus, and may prescribe their dimensions and extension; but gill or float nets shall not be used to lengthen, extend or enlarge any other kind of fishery. R. S., c. 95, s. 8.

21. No salmon shall be captured within two hundred yards of the mouth of any tributary, creek or stream which salmon frequent to spawn. R. S., c. 95, s. 8.

22. Except in the manner known as fly-surface-fishing with a rod and line, salmon shall not be fished for, caught or killed at any artificial pass or salmon leap, or in any pool where salmon spawn. R. S., c. 95, s. 8.

23. Except under the authority and for the special purpose provided for in this Act, no one shall take, buy, sell, destroy, use or possess any salmon roe, or injure any spawning bed. R. S., c. 95, s. 8.

TROUT AND WHITEFISH FISHERY.

24. In the province of Ontario, no person shall fish for, catch, kill, buy, sell, or have in his possession,—

(a) any speckled trout, *salmo fontinalis*, between the fifteenth day of September and the first day of May; or,

- (b) any salmon trout, between the first and tenth days of November, both days inclusive; or,
- (c) any lake trout, between the fifteenth day of October and the first day of December; or,
- (d) any brook or river trout between the fifteenth day of September and the first day of January. R. S., c. 95, s. 9.

25. In the province of Quebec, no person shall fish for, catch, kill, buy, sell, or have in his possession,—

- (a) Any salmon trout, lake trout or lunge, between the fifteenth day of October and the first day of December; or,
- (b) any speckled trout, between the first day of October, and the thirty-first day of December; or,
- (c) any brook or river trout, between the fifteenth day of September and the first day of January in each year. R. S., c. 95, s. 9.

26. In the province of Prince Edward Island, no person shall fish for, catch, kill, buy, sell or have in his possession any trout between the first day of October and the first day of December in each year, and trout shall not at any time, be fished for or taken by spears, sweep nets or seines in any river, stream or pond. R. S., c. 95, s. 9.

27. In all other parts of Canada no person shall, between the first day of October and the first day of January in any way whatever, fish for, catch, kill, buy, sell or have in his possession any kind of trout or lunge. R. S., c. 95, s. 9.

28. Except in the tidal waters of the province of Quebec on the north bank of the River St. Lawrence from the mouth of the River Saguenay to Blanc Sablon, no one shall at any time fish for, catch or kill trout by other means than angling with hook and line: Provided that as to the waters of the province of Ontario such prohibition shall not apply to the kind of trout known as salmon trout. O. C., 52 V., p. xlili.

29. In the provinces of Manitoba, Saskatchewan and Alberta and the Northwest or Yukon Territories, Indians may, at any time, catch or kill speckled trout for their own use only, but not for the purpose of sale or traffic. R. S., c. 95, s. 9.

30. Nothing herein contained shall prevent,—

- (a) the taking or the use of small sized trout for the purpose of baiting traps; or
- (b) the taking and using the same by fishermen as bait for cod fishing in tidal waters; or
- (c) subject fishermen to penalty if by accident in fishing for herrings or whitefish by means of nets, trout are inclosed or taken. R. S., c. 95, s. 9.

31. No one shall fish for, catch, kill, buy, sell or have in his possession, whitefish in,—

- (a) the province of Ontario, between the first and tenth days of November, both days inclusive, or, by means of any kind of seine, between the thirteenth day of May and the first day of August;
- (b) the province of Quebec, between the tenth day of November and the first day of December in each year, or by means of any kind of seine, between the thirty-first day of July and the first day of December;

- (c) the provinces of Manitoba, Saskatchewan, and Alberta, and the Northwest Territories and the Yukon Territory, between the twentieth day of October and the first day of November in each year: Provided that Indians may there catch or kill the same for their own use only, but not for purposes of sale or traffic, and provided that whitefish shall not be taken or used, bought, sold, or possessed for making oil or feeding domestic animals;
- (d) any other part of Canada, between the nineteenth day of November and the first day of December in each year. R. S., c. 95, s. 10.
32. The fry of whitefish shall not be, at any time, destroyed. R. S., c. 95, s. 10.
33. Gill nets for catching salmon trout or whitefish shall have meshes of at least five inches extension measure.
2. Gill nets shall not be set within two miles of any seining ground. R. S., c. 95, s. 10.
34. Seines for catching whitefish shall have meshes of not less than four inches extension measure. R. S., c. 95, s. 10.

LOBSTER FISHERIES.

35. No one shall, at any time, can or cure lobsters, except under license from the Minister. 58-59 V., c. 28, s. 1.
36. The fee for any such license shall be at the rate of two dollars per one hundred cases or packages or fraction of one hundred cases or packages, containing lobsters canned or cured under such license.
2. Each case or package shall contain forty-eight one-pound cans, or ninety-six one-half-pound cans. 58-59 V., c. 28, s. 1.
37. Every case or package containing lobsters canned or cured in Canada, before being removed from the factory or canning establishment where such lobsters have been canned or cured, shall be labelled or stamped with such label or stamp as is prescribed by the Minister: Provided that the Minister may grant a permit for the removal of legally packed cases from any factory to any store or building before being labelled or stamped for final shipment.
2. Every case or package, if not removed from such factory or canning establishment on or before the day on which the close season commences, shall be so labelled or stamped within seven days thereafter, and all unused labels or stamps shall immediately after such removal be returned to the Minister. 58-59 V., c. 28, s. 1.
38. Every case or package containing lobsters imported into Canada shall be immediately upon being imported be labelled or stamped with such label or stamp as is prescribed by the Minister. 58-59 V., c. 28, s. 1.
39. The owner or manager of every lobster factory or canning establishment in Canada shall send to the Minister not later than the first day of September in every year, a true return of,—
- (a) the number of fishermen employed, and of the lobster traps used in connection with his factory or canning establishment;
- (b) the number of persons employed in such factory or canning establishment distinguishing the sexes;
- (c) the number of cases of lobsters packed during the season; and,
- (d) such other details and particulars as are from time to time required by the Minister. 58-59 V., c. 28, s. 1.

40. Any label or stamp prescribed by the Minister upon any empty case or package, shall be entirely obliterated and destroyed within seven days after the commencement of the close season.

2. Whenever any labelled or stamped case or package, containing canned or cured lobsters, is opened or emptied, the label or stamp thereon shall be entirely obliterated and destroyed by the person in whose hands the same is, unless such case or package is opened or emptied for the purpose of testing or repacking the canned or cured lobsters contained therein, the burden of proof of which shall be on the owner or packer of such package or case. 58-59 V., c. 28, s. 1.

41. The manager or proprietor of every lobster factory or canning establishment shall, on demand, produce his license to any fishery officer. 58-59 V., c. 28, s. 1.

42. The manager or owner of every lobster factory or canning establishment shall, on the request of any person authorized or employed by the Minister to hatch lobsters, as far as possible and with due care, take from and keep, in such manner as is from time to time prescribed by the Minister, all eggs attached to lobsters brought to such factory or canning establishment, and deliver such eggs to a person authorized by the Minister to receive them. 58-59 V., c. 28, s. 1.

OTHER FISHERIES.

43. Close seasons for bass, pike, pickerel (*doré*), maskinonge and other fish, may be fixed by the Governor in Council to suit different localities. R. S., c. 95, s. 11.

POSSESSION OF FISH.

44. No one shall, without lawful excuse, the proof whereof shall lie on him, buy, sell or possess any fish, or portion of any fish named in this Act, caught or killed at a time or in a manner prohibited by law. R. S., c. 95, s. 12.

45. Every customs officer, excise officer, police officer or constable, clerk of a market or other person in charge of any market-place in any village, town or city, shall seize, and, upon view, confiscate to his own proper use, any fish mentioned in this Act, caught or killed during prohibited seasons, or which appears to have been killed by unlawful means.

2. Every such seizure and appropriation, with the date, place, and circumstances thereof, shall together with the name, residence and calling of the person in whose possession such fish was found, 640 be daily reported to the fishery officer who has jurisdiction over the district within which such seizure, confiscation and appropriation took place. R. S., c. 95, s. 12.

CONSTRUCTION OF FISH-WAYS.

46. Every dam, slide, or other obstruction across or in any stream where the Minister determines it to be necessary for the public interest that a fish-pass should exist, shall be provided by the owner or occupier with a durable and efficient fish-way, which shall be maintained in practical and effective condition, in such place and of such form and capacity as will admit of the passage of fish through the same.

2. The place, form and capacity of the fish-way may be prescribed by any fishery officer by notice in writing.

3. Fish-ways shall be kept open and unobstructed and shall be supplied with a sufficient quantity of water to fulfil the purposes of this enactment, during such times as are required by any fishery officer.

4. The Minister may authorize the payment of one-half of the expense incurred by such owner or occupier in constructing and maintaining any fish-way.

5. The Minister, in order to procure the construction of any fish-way, pending proceedings against any owner or occupier for the penalty imposed by this Act, may give directions to make and complete the same forthwith, and may authorize any person to enter upon the premises with the necessary workmen, means and materials, and may recover from the owner or occupier the whole expense so incurred by action before any competent tribunal.

6. No person shall injure or obstruct any fish-way, or do anything to deter or hinder fish from entering and ascending or descending the same, or injure or obstruct any authorized barrier. R. S., c. 95, s. 13.

GENERAL PROHIBITIONS.

47. No one shall fish for, take, catch or kill fish in any water, or along any beach, or within any fishery limits, described in any lease or license, or place, use, draw or set therein any fishing gear or apparatus; except by permission of the occupant under such lease or license for the time being, or shall disturb or injure any fishery: Provided that the occupation of any fishing station or waters so leased or licensed for the express purpose of net fishing shall not interfere with the taking of bait used for cod-fishing, or prevent angling for other purposes than those of trade and commerce.

2. Seines, nets or other fishing apparatus shall not be set in such a manner or in such places as to obstruct the navigation with boats and vessels, and, no boats or vessels shall be permitted to destroy or wantonly injure in any way any seines, nets or other fishing apparatus lawfully set.

3. Every person using stakes or other timber placed for fishing purposes in any water shall remove the same within forty-eight hours after ceasing to use them, and in all cases at the expiry of the fishing season.

4. The main channel or course of any stream shall not be obstructed by any nets or other fishing apparatus; and one-third of the course of any river or stream, and not less than two-thirds of the main channel at low tide, in every tidal stream, shall be always left open, and no kind of fishing apparatus or material shall be used or placed therein: Provided that the use of weirs for catching eels exclusively, and the use of mill-dams for catching eels, shall be prevented only in cases where, and at times when they injure other fisheries or, by completely barring any passage, they deprive other weirs of a share in the run of eels; and such place, time and circumstances may be determined by any fishery officer.

5. No net or other device shall be so used as entirely to obstruct the passage of fish to or from any of the waters of Canada, by any of the ordinary channels connecting such waters, or prevent their

passage to and from accustomed resorts for spawning and the increasing of their species.

6. No one shall catch, kill or molest fish when passing or attempting to pass through any fish-way, or fish-pass, or in surmounting any obstacle or leap, or shall use any invention to catch, kill or molest fish in the mill-dams, fish-ways, mill-heads or watercourses appurtenant thereto.

7. No one shall use a bag-net, trap-net or fish-pound, except under a special license, granted for capturing deep-sea fish other than salmon.

8. No one shall fish for, catch or kill salmon, trout or lunge of any kind, maskinongé, winaniche, bass, barfish, pickerel, whitefish, herring, or shad, by means of spear, grapnel hooks, negog, or nishagans: Provided that the Minister may appropriate and license or lease certain waters in which certain Indians shall be allowed to catch fish for their own use in the manner and at the time specified in the license or lease, and may permit spearing in certain localities.

9. No one shall fish for, catch, kill, buy, sell or possess the young of any of the fish mentioned in this Act, or in any regulation under it.

10. Seines for barfish shall have meshes of not less than three inches in extension measure.

11. Fishery officers may determine or prescribe the distance between each and every fishery (*pêcherie*) and shall forthwith remove any fishery which the owner neglects or refuses to remove; and such owner shall be moreover liable for a violation of this Act, and for the cost and damages of removing such fishery.

12. Every fascine fishery with a box-trap (*coffre*), instead of pound, shall have across the outside end of such box-trap a wire covering or a net work, the meshes of which shall be at least one inch square; but this shall not apply to eel weirs during autumn.

13. Nets or other fishing apparatus shall not be so used as to impede or divert the course of fish in any small river.

641 14. From the time of low water nearest six of the clock in the afternoon of every Saturday, to the time of low water nearest six of the clock in the forenoon of every Monday, in tidal waters, and from six of the clock in the afternoon of every Saturday to six of the clock in the forenoon of the following Monday, in non-tidal waters, all sedentary fishing stations and weirs, and all pound and trap-nets, seines, gill-nets and other apparatus used for catching fish, whether under license or not, shall be so raised, closed or adapted as to admit of the free passage of fish through, by or out of such apparatus; and during such close time no one shall catch fish in such apparatus, whether under license or not.

15. No one shall hunt or kill fish or marine animals of any kind, other than porpoises, whales, and walruses, by means of rockets, explosive materials, or explosive projectiles or shells. R. S., c. 95, s. 14; 61 V., c. 39, s. 1; 3 E. VII., c. 23, s. 1.

48. No one shall use purse seines for the capture of fish in any of the waters of Canada; Provided that the Minister may issue special fishery licenses for the use of purse seines in certain waters in the province of British Columbia specified in the said licenses. 3 E. VII., c. 23, s. 2.

49. No one shall erect, use or maintain in any of the waters of Canada whether subject to any exclusive right of fishery or not, any

net, weir, fascine fishery or other device which unduly obstructs the passage of fish; and the Minister or any fishery officer may order the removal of or remove any net, weir, fascine fishery or other device which, in the opinion of such Minister or fishery officer, unduly obstructs the passage of fish. 57-58 V., c. 51, s. 5.

50. In the provinces of Manitoba, Saskatchewan and Alberta, and in the Northwest Territory and the Yukon Territory,—

- (a) every ditch, channel or canal, constructed or adapted for conducting water from any lake, river or stream, for irrigating, manufacturing, domestic, or other purposes, shall be provided at its entrance or intake with a fish-guard or a metal or wire grating, covering or netting, so fixed as to prevent the passage of fish from any lake, river, or stream into such ditch, channel or canal;
- (b) such fish-guard shall have meshes or holes not more than three-eighths of an inch in diameter, and shall be built and maintained by the owner of such ditch, channel or canal, subject to the approval of the Minister, or of such officer as he from time to time appoints to examine it;
- (c) the owner of such ditch, channel or canal shall maintain such fish-guard in a good and sufficient state of repair and shall not permit its removal except for renewal or repair; and during the time such renewal or repair is being effected, the sluice or gate at the intake or entrance shall be closed and the passage of fish into the ditch, channel or canal prevented. 57-58 V., c. 51, s. 5.

51. No one shall catch fish for the purpose of using it as manure. 57-58 V., c. 51, s. 5.

52. Whenever the size of the meshes of nets or apparatus for the capture of fish is fixed by this Act, or by any fishery regulation under it, it shall be unlawful to so arrange or adapt the nets or fishing apparatus as to practically diminish the size of such meshes. 61 V., c. 39, s. 2.

INJURIES TO FISHING GROUNDS AND POLLUTION OF RIVERS.

53. No one shall throw overboard ballast, coal ashes, stones, or other prejudicial or deleterious substances in any river, harbour or roadstead or any water where fishing is carried on, or throw overboard or let fall upon any fishing bank or ground, or leave or deposit or cause to be thrown, left or deposited, upon the shore, beach or bank of any water, or upon the beach between high and low water mark, inside of any tidal estuary, or within two hundred yards of the mouth of any salmon river, remains or offal of fish, or of marine animals, or leave decayed or decaying fish in any net or other fishing apparatus: Provided that such remains or offal may be buried ashore, beyond high water mark, and that at establishments situated inside of the mouths of rivers for carrying on deep-sea fisheries, the same may be dropped into perforated boxes or inclosures built upon the beach, or under stage-heads, in such manner as to prevent the same from being floated or drifted into the streams, or may be disposed of in such other manner as any fishery officer prescribes.

2. No person shall cause or knowingly permit to pass into, or put or knowingly permit to be put, lime, chemical substances or drugs,

poisonous matter, dead or decaying fish, or remnants thereof, mill rubbish or sawdust or any other deleterious substance, in any water frequented by any of the kinds of fish mentioned in this Act. R. S., c. 95, s. 15; 58-59 V., c. 27, s. 1.

REGULATIONS.

54. The Governor in Council may, from time to time, make regulations,—

- (a) for the better management and regulation of the sea-coast and inland fisheries;
- (b) to prevent or remedy the obstruction and pollution of streams;
- (c) to regulate and prevent fishing;
- (d) to prohibit the destruction of fish; and,
- (e) to forbid fishing except under authority of leases or licenses.

2. Such regulations shall take effect from the date of the publication thereof in the *Canada Gazette*, and shall have the same force and effect as if herein enacted, notwithstanding that such regulations extend, vary or alter any of the provisions of this Act respecting the places or modes of fishing or the times specified as prohibited or close seasons, and may fix such other modes, times and 642 places as are deemed by the Governor in Council adapted to different localities, or otherwise expedient.

3. Every offence against any regulation made under this Act may be stated as in violation of this Act. R. S., c. 95, s. 16.

POWERS OF FISHERY OFFICERS AND OTHER JUSTICES.

55. Any fishery officer or other justice of the peace may, on view, convict of any of the offences punishable under the provisions of this Act, and may remove instantly and detain any materials unlawfully in use. R. S., c. 95, s. 17.

56. Any fishery officer or other justice of the peace may search, or grant a warrant to search, any vessel or place where there is reason to believe that any fish taken in violation of this Act, or anything used in violation thereof, is concealed. R. S., c. 95, s. 17.

57. If any offence under this Act is committed in, upon or near any waters forming the boundary between different counties or districts, or fishery districts, such offence may be prosecuted before any justice of the peace in either of such counties or districts, or before the fishery officer for either fishery district. R. S., c. 95, s. 17.

58. In the discharge of his duties any fishery officer, or other person or persons accompanying him or authorized to such effect, may enter upon and pass through or over private property without being liable to trespass. R. S., c. 95, s. 17.

59. Disputes between persons relative to fishing limits or claims to fishery stations, or relative to the position and use of nets and other fishing apparatus, shall be settled by the local fishery officer. R. S., c. 95, s. 17.

60. Gurry grounds may be designated or defined by any fishery officer. R. S., c. 95, s. 17.

61. Any fishery officer, stipendiary magistrate, or commissioned officer of His Majesty's navy, on board of any vessel belonging to or chartered by the Government of Canada, employed in the service

of protecting fisheries, and every commissioned officer of His Majesty's navy serving on board of any vessel cruising and being in the waters, harbours or ports of Canada, shall, for the purpose of affording protection to His Majesty's subjects engaged in the fisheries, and of enforcing any laws relating to such fisheries, exercise the powers of a justice of the peace, without property qualification, and without taking any oath of office, in all the waters, harbours or ports, and on all the coasts of Canada where, for the time being and for the purposes above described, they are so engaged. R. S., c. 95, s. 17.

62. Property seized by any fishery officer, stipendiary magistrate or naval officer, acting as aforesaid, may be removed for disposal to the nearest or most convenient port where any revenue officer or other public officer empowered to deal with the matter resides. R. S., c. 95, s. 17.

63. Whenever it is impracticable for any fishery officer, stipendiary magistrate or naval officer, acting in such capacity, to cause any prisoner to be conveyed to, and committed to the nearest common gaol, he may detain him on board of the vessel, or transfer him to another vessel for conveyance to and delivery at the most convenient place, and with all convenient despatch, where he can be duly committed into the custody of the sheriff or other officer of the county or district in which the common gaol is situated to which he is ordered to be committed; and until such prisoner is so delivered into the immediate custody of any sheriff or gaoler the fishery officer, stipendiary magistrate or naval officer having him in charge, shall have, in all places through which it is necessary to convey such prisoner, the same authority and power in regard to such prisoner, and to command the aid of any of His Majesty's subjects in preventing his escape, or in retaking him in case of escape, as any county or district sheriff or peace officer has while lawfully conveying a prisoner from one part of his own district to another. R. S., c. 95, s. 17.

64. Every such offence shall be deemed to have been committed in the county or district to the common gaol of which the commitment has been actually made. R. S., c. 95, s. 17.

GENERAL.

65. The Minister may authorize to be set apart, or to be leased, any river or other water for the natural or artificial propagation of fish. 57-58 V., c. 51, s. 10.

66. Lessees or licensees of fisheries shall have no claim to renewal of leases or licenses if in arrears of rent or percentage during four months after the same is due, and any lessee or licensee convicted of a violation of this Act, or any regulation under it, shall be liable to forfeit his lease or license. R. S., c. 95, s. 21.

67. Special licenses and leases for any term of years may be granted to any person who wishes to plant or form oyster beds in any of the bays, inlets, harbours, creeks or rivers, or between any of the islands on the coast of Canada; and the holder of any such lease or license shall have the exclusive right to the oysters produced or found on the beds within the limits of such lease or license. R. S., c. 95, s. 21.

68. The Minister may authorize to be expended annually any sum appropriated by Parliament, for,—

(a) the formation of oyster beds in various waters and places found adapted for that purpose; and,

- (b) transplanting oysters and restocking exhausted fisheries by natural or artificial means; and
(c) improving streams where natural obstructions exist; and may authorize the construction, erection or placing of any artificial barrier or grating in any stream or river, or in any watercourse, and in the channels or beds thereof. R. S., c. 95, s. 21.
- 643 69. Every subject of His Majesty may use vacant public property, such as by law is common and accessory to public rights of fishery and navigation, for the purpose of landing, salting curing and drying fish, and may cut wood thereon for such purposes, and no other person shall occupy the same station unless it has been abandoned by the first occupant for twelve consecutive months; and at the expiration of that period any new occupier shall pay the value of flakes and stages and other property thereon, of which he takes possession, or the buildings and improvements may be removed by the original owner.

2. All subjects of His Majesty may take bait or fish in any of the harbours or roadsteads, creeks or rivers, subject to the provisions of this Act respecting the leasing or licensing of fisheries and fishing stations.

3. No property leased or licensed shall be deemed vacant. R. S., c. 95, s. 22.

PROTECTION OF FISHERMEN.

70. No dory, flat, whaler or other boat whatsoever shall set out from any vessel engaged in deep-sea or bank fishing, or be launched therefrom for the purpose of fishing with hooks and lines, trawls or other similar appliances, or with intent that the same shall be used in so fishing, or for the purpose of examining trawls, set lines or other similar appliances for fishing, unless there is placed in such boat to be retained therein during absence from such vessel a mariner's compass, nor unless there is placed in such boat at least two quarts of drinking water and two pounds of solid food for each man of the crew of such boat.

2. The owner of such vessel shall supply her at the commencement of her voyage with as many serviceable mariner's compasses as she carries boats, in addition to the vessel's compass, and also with the necessary utensils for holding water and with a serviceable fog-horn or trumpet. 61 V., c. 44, s. 1.

OFFENCES AND PENALTIES.

71. Every one shall incur a penalty not exceeding five hundred dollars, and not less than three hundred dollars, who at any time, except under license from the Minister,—

(a) engages in the manufacture from whales of oil or other commercial product; or,

(b) employs any vessel or boat in the whale fishery. 4 E. VII., c. 13, s. 1.

72. Every one who hunts or kills fish or marine animals of any kind, other than porpoises, whales, and walruses, by means of rockets, explosive materials, or explosive projectiles or shells, shall be liable to a penalty not exceeding three hundred dollars and costs, and, in

default of payment, to imprisonment for a term not exceeding six months. 3 E. VII., c. 23, s. 1.

73. Every one who violates any provision of this Act relating to whale fishing or of the regulations made thereunder, for which violation no penalty is herein specially provided, shall be liable to a fine not exceeding two hundred dollars, and not less than fifty dollars.

2. All machinery and apparatus, and all vessels and boats, and their tackle, apparel and furniture, used in such violation shall be confiscated to His Majesty. 4 E. VII., c. 13, ss. 12 and 13.

74. Every one who, with boat or vessel, during the time of fishing for seals, knowingly or wilfully disturbs, impedes or injures any sedentary seal fishery, or prevents, hinders, or frightens the shoals of seals coming into such fishery, shall, for each offence, be liable to a penalty not exceeding sixty dollars and, in default of payment, to imprisonment for a term not exceeding one month; and shall also be liable to pay such damages as are assessed by the fishery officer or justice of the peace before whom the person injured complains. R. S., c. 95, s. 7.

75. Every one who, without the special fishery lease or license provided for by this Act, fishes for salmon above the actual limit defined by the Minister or fishery officer as the tidal boundary of estuary fishing, except with a rod and line, in the manner known as fly-surface-fishing, shall be liable to a penalty not exceeding one hundred dollars, and, in default of payment, to imprisonment for a term not exceeding two months. R. S., c. 95, s. 8.

76. Every case or package containing lobsters canned or cured in Canada not labelled or stamped according to the provisions of this Act, or which, being unlabelled or unstamped, is removed from the factory or canning establishment where such lobsters have been canned or cured, without a permit from the Minister, shall be liable to seizure, and, upon seizure, shall become confiscated to His Majesty; and the owner, packer or exporter of any such case or package shall be liable to a penalty not exceeding twenty dollars and costs. 58-59 V., c. 28, s. 1.

77. Every case or package containing lobsters imported into Canada, without being labelled or stamped with such label or stamp as is prescribed by the Minister shall be liable to seizure, and, upon seizure, shall become confiscated to His Majesty; and the person or persons owning or possessing any such case or package shall be liable to a penalty not exceeding forty dollars and costs. 58-59 V., c. 28, s. 1.

78. Every owner or manager of a lobster factory or canning establishment in Canada who fails to send to the Minister, not later than the first day of September in every year, a true return of,—

(a) the number of fishermen employed, and of the lobster traps used in connection with his factory or canning establishment;

(b) the number of persons employed in such factory or canning establishment, distinguishing the sexes;

(c) the number of cases of lobsters packed during the season; and,

(d) such other details and particulars as are from time to time required by the Minister;
shall be liable to a penalty not exceeding four hundred dollars and costs. 58-59 V., c. 28, s. 1.

79. Every manager or proprietor of a lobster factory or canning establishment who refuses on demand to produce his license to any

fishery officer, shall be liable to a penalty not exceeding one hundred dollars and costs. 58-59 V., c. 28, s. 1.

644 80. Every manager or proprietor of a lobster factory or canning establishment who obstructs any fishery officer in the discharge of his duty shall be liable to a penalty not exceeding one hundred dollars and costs. 58-59 V., c. 28, s. 1.

81. Every manager or owner of a lobster factory or canning establishment who, on the request of any person authorized or employed by the Minister to hatch lobsters, neglects or refuses to take from and keep, as far as possible and with due care, and in such manner as is from time to time prescribed by the Minister, all eggs attached to lobsters brought to such factory or canning establishment, or neglects or refuses to deliver such eggs to a person authorized by the Minister to receive them, shall be liable to a penalty not exceeding five dollars for each such neglect or refusal. 58-59 V., c. 28, s. 1.

82. Every person who counterfeits or alters any label or stamp prescribed by the Minister to be labelled or stamped on any case or package containing lobsters canned or cured in Canada, or, with fraudulent intent, labels or stamps any such case or package with any label or stamp purporting to be the label or stamp so prescribed by the Minister, shall be liable to a penalty of forty dollars and costs. 58-59 V., c. 28, s. 1.

83. Every owner or occupier of a dam, slide, or other obstruction across or in any stream where the Minister determines it to be necessary for the public interest that a fish-pass should exist, who, after three days' notice in writing, neglects or refuses to provide a durable and effective fish-way, or to maintain the same in a practical and effective condition in such place and of such form and capacity as will admit of the passage of fish, shall be liable to a penalty of four dollars for each day during which any such dam, slide or other obstruction to the stream remains unprovided with such fish-way. R. S., c. 95, s. 13.

84. Except taking bait for cod-fishing or angling for purposes other than those of trade and commerce, every one who fishes for, takes, catches or kills fish in any water, or along any beach, or within any fishery limits, described in any lease or license, or places, uses, draws or sets therein any fishing gear or apparatus, except by permission of the occupant under such lease or license for the time being, or disturbs or injures any fishery, shall be liable to a penalty not exceeding one hundred dollars and costs, or to imprisonment for a term not exceeding two months; and the fishing apparatus so used, and all fish taken or caught, shall be forfeited, and any fishery officer or the holder of any such lease or license may, on view, forthwith seize and remove any net or apparatus so used, to be dealt with according to law. R. S., c. 95, s. 14.

85. Every one using purse seines for the capture of fish in any of the waters of Canada, except, as to certain waters in the province of British Columbia, under a special fishery license of the Minister, shall be liable for each offence, to a penalty of not less than fifty dollars, and not exceeding five hundred dollars together with the confiscation of the vessel, boat and apparatus used in connection with such capture. 3 E. VII., c. 23, s. 2.

86. In the provinces of Manitoba, Saskatchewan and Alberta, and in the Northwest Territories and the Yukon Territory, every owner

of a ditch, channel or canal constructed or adapted for conducting water from any lake, river or stream, for irrigating, manufacturing, domestic or other purposes, who,—

- (a) neglects or refuses to provide and maintain in a good and sufficient state of repair at its entrance or intake a fish-guard or a metal or wire grating, covering or netting with meshes not more than three-eighths of an inch in diameter, approved by the Minister or such officer as he from time to time appoints to examine it, and so fixed as to prevent the passage of fish from any lake, river or stream into such ditch, channel or canal; or,
- (b) permits the removal of such fish-guard, grating or netting, except for removal or repair; or
- (c) during the time such removal or repair is being effected, neglects or refuses to close the sluice or gate at the intake or entrance of such ditch, channel or canal, so as to prevent the passage of fish into such ditch, channel or canal;

shall, after three days' notice in writing from the Minister, or from a fishery officer, be liable to a penalty of four dollars for each day or part of a day during which such ditch, channel or canal remains unprovided with such duly approved and properly maintained netting, grating or fish-guard. 57-58 V., c. 51, s. 5.

87. Every one who, contrary to the provisions of this Act, throws overboard ballast, coal ashes, stones, or other prejudicial or deleterious substances in any river, harbour or roadstead or any water where fishing is carried on, or throws overboard or lets fall upon any fishing bank or ground, or leaves or deposits or causes to be thrown, left or deposited, upon the shore, beach or bank of any water, or upon the beach between high and low water mark, inside of any tidal estuary, or within two hundred yards of the mouth of any salmon river, remains or offal of fish, or of marine animals, or leaves decayed or decaying fish in any net or other fishing apparatus, shall be liable, for each offence, to a penalty not exceeding one hundred dollars, or to imprisonment for a term not exceeding two months; and every one so offending, whether master or servant, and the master or owner of any vessel or boat from which such ballast or offal, or other prejudicial substance is thrown, shall be liable to penalty and imprisonment as aforesaid for each such offence. R. S., c. 95, s. 5.

88. Every person who causes or knowingly permits to pass into, or puts or knowingly permits to be put, lime, chemical substances or drugs, poisonous matter, dead or decaying fish, or remnants thereof, mill rubbish or sawdust or any other deleterious substance, in any water frequented by any of the kinds of fish mentioned in this Act, shall be liable, for a first offence, to a penalty of twenty dollars and costs; for the second offence, to a penalty not exceeding forty dollars and costs, and also in addition thereto a further penalty not exceeding ten dollars for every day during which such offence is continued; and for the third or any subsequent offence, to a penalty not exceeding one hundred dollars and costs, and also in addition thereto a further penalty not exceeding twenty dollars for every day during which such offence is continued. 58-59 V., c. 27, s. 1.

645 89. Every person who wilfully destroys or injures any place set apart or leased under the authority of the Minister for the propagation of fish, or who fishes therein without written permis-

sion from a fishery officer, or from the holder thereof under lease or license, or uses therein any fishing light or other implement for fishing, during the period for which such waters are so set apart or leased, shall be liable to a penalty not exceeding two hundred dollars and costs, and, in default of payment, to imprisonment for a term not exceeding four months. 57-58 V., c. 51, s. 10.

90. Every one who takes oysters from any oyster bed, set apart by the Minister for any purpose under this Act, or in any way injures or disturbs such oyster beds, except during the times and on the terms permitted by regulation under this Act, shall be liable to a penalty not exceeding one hundred dollars and not less than forty dollars, and in default of payment, to imprisonment for a term not exceeding two months and not less than one month; and the vessel and all apparatus used in the taking of such oysters, or the injury or disturbance of such oyster beds, shall be forfeited. R. S., c. 95, s. 21.

91. The owner of any vessel, who,—

- (a) permits any dory, flat, whaler or other boat whatsoever to set out from any vessel engaged by him in deep-sea or bank fishing, or to be launched therefrom for the purpose of fishing with hooks and lines, trawls or other similar appliances, or with intent that the same shall be used in so fishing, or for the purpose of examining trawls, set lines or other similar appliances for fishing, without there being placed in such boat to be retained therein during absence from such vessel, a mariner's compass, and at least two quarts of drinking water and two pounds of solid food for each man of the crew of such boat; or
- (b) fails to supply any vessel by him so engaged in deep-sea or bank fishing, at the commencement of her voyage, with as many serviceable mariner's compasses as she carries boats, in addition to the vessel's compass and also with the necessary utensils for holding water and with a serviceable fog-horn or trumpet;

shall be guilty of an offence against this Act, and shall be liable for each offence to a penalty not exceeding one hundred dollars or to imprisonment for a term not exceeding two months.

2. The master of any such vessel from which a boat is launched or sets out in contravention of the provisions of this section shall also be guilty of an offence against this Act, and liable therefor to a penalty not exceeding one hundred dollars or to imprisonment for a term not exceeding two months. 61 V., c. 44, s. 2.

92. All vessels, boats, canoes, rafts, vehicles of any description, nets, fishing gear, materials, implements or appliances used in violation of this Act or any regulation under it, and any fish or other marine animal taken, caught, killed, conveyed, bought, sold or had in possession in violation of this Act or any regulation under it, and all other fish, shell-fish or marine animals otherwise legally taken, caught, killed, conveyed, bought, sold, or had in possession, and of whatever size and description, which are intermixed therewith, shall be confiscated to His Majesty, and may be seized and confiscated, on view, by any fishery officer, or taken and removed by any person for delivery to any fishery officer or justice of the peace. 61 V., c. 39, s. 4.

93. Should any nets, seines, or other fishing apparatus be set or used in violation of this Act or any regulation thereunder for more than one day, then each day during which such seines, nets or other fishing apparatus shall remain so set or used shall constitute a separate offence, and may be punished accordingly; and should any other violation of this Act, or of any regulation thereunder, continue for more than one day, then each day during which such violation continues shall constitute a separate offence, and may be punished as such. 57-58 V., c. 51, s. 9.

94. Except as herein otherwise provided, every one who violates any provision of this Act or of the regulations under it, shall be liable to a penalty not exceeding one hundred dollars and costs, and, in default of payment, to imprisonment for a term not exceeding three months; and any fishery officer or justice of the peace may grant a warrant of distress for the amount of such penalty and costs. 61 V., c. 39, s. 3.

95. When not otherwise specified, every proprietor, owner, agent, tenant, occupier, partner or person actually in charge, either as occupant or servant, shall be deemed to be jointly and severally liable for any penalties or moneys recoverable under any of the provisions of this Act, or of any regulation made under it. R. S., c. 95, s. 19.

MODE OF RECOVERY.

96. Every penalty or forfeiture imposed by this Act or regulations made under it may be recovered or enforced on parole complaint, before any fishery officer, stipendiary magistrate or justice of the peace, in a summary manner.

2. Three days shall elapse between the service and the return day of the summons to any defendant served within fifteen miles, and one day more for each additional fifteen miles of the distance between the place at which the summons is issued and the place of service: Provided, that if it is expedient to proceed against a defendant without delay, any fishery officer or justice of the peace may issue a summons returnable immediately, to compel the defendant to appear before him forthwith, or may issue a warrant for the apprehension of such defendant simultaneously with the summons. R. S., c. 95, s. 19.

97. Penalties incurred under this Act, or the regulations made under it, shall be sued for within two years from the commission of the offence. R. S., c. 95, s. 19.

98. If any defendant has goods and chattels whereon the
646 costs may be levied, the complainant may under the warrant
of any fishery officer or other justice of the peace, distrain for
the amount thereof, notwithstanding the imprisonment of the person
convicted. R. S., c. 95, s. 18.

FORMS OF PROCEDURE.

99. The forms in the schedule to this Act may be used when applicable, and Part XV. of the Criminal Code shall apply to proceedings under this Act. R. S., c. 95, s. 20.

100. No proceeding or conviction under this Act or under any regulation made under it shall be set aside or quashed for irregularity or defect in form, and no warrant of arrest or commitment

shall be held void by reason of any defect therein, if it is therein alleged that the defendant has been convicted, and there is a good and valid conviction to sustain the same. R. S., c. 95, s. 19.

APPLICATION OF FINES AND FORFEITURES.

101. A moiety of every pecuniary penalty levied by virtue of this Act shall belong to His Majesty, and the other moiety shall be paid to the prosecutor, together with costs taxed to him in respect thereof. 54-55 V., c. 43, s. 2.

102. His Majesty's share of each penalty and all proceeds derived from the sale of confiscated articles under this Act, shall be paid to the Minister of Finance through the Department of Marine and Fisheries, and be applied towards the expenses incurred for the protection of the fisheries. R. S., c. 95, s. 18.

APPEAL.

103. Persons aggrieved by any conviction for any offence under this Act may appeal by petition to the Minister, who may remit penalties and restore forfeitures under this Act. R. S., c. 95, s. 18. No. 93.—1906: *Statute of Canada; Revised Statutes 1906, Cap. 47.*^a

An Act to protect the Customs and Fisheries.

SHORT TITLE.

1. This Act may be cited as the Customs and Fisheries Protection Act.

LICENSES.

2. The Governor in Council may, from time to time, grant to any foreign ship, vessel or boat, or to any ship, vessel or boat not navigated according to the laws of the United Kingdom or of Canada, at such rate and for such term not exceeding one year, as he deems expedient, a license to fish for, take, dry or cure any fish of any kind whatsoever, in British waters, within three marine miles of any of the coasts, bays, creeks or harbours of Canada, not included within the limits specified and described in the first article of the convention between His late Majesty King George the Third and the United States of America, made and signed at London, on the twentieth day of October, one thousand eight hundred and eighteen. R. S., c. 94, s. 1.

3. The Governor in Council may, from time to time, authorize the issue of licenses to United States fishing vessels, enabling them to enter any port on the Atlantic coast of Canada, during the periods mentioned in such licenses, for the purposes of—

(a) The purchase of bait, ice, seines, lines and all other supplies and outfits; and,

(b) the transhipment of catch, and the shipping of crews.

2. The fee for such licenses shall be one dollar and fifty cents per ton register, and the terms and conditions thereof shall be determined by the Governor in Council.

^aAct now questioned by the United States, see Appendix, pp. 4-5.

3. No license shall be issued for a longer period than one calendar year, and all licenses shall expire on the thirty-first day of December of the year for which they are issued. 55-56 V., c. 3, s. 1.

4. The order in council for the issue of such licenses shall, without delay, be communicated to both Houses of Parliament, if Parliament is then in session, or, if not then in session, within the first ten days of the next ensuing session. 55-56 V., c. 3, s. 2.

BOARDING AND SEARCH.

5. Any commissioned officer of His Majesty's navy, serving on board any vessel of His Majesty's navy cruising and being in the waters of Canada for the purpose of affording protection to 647 His Majesty's subjects engaged in the fisheries, or any commissioned officer of His Majesty's navy, fishery officer or stipendiary magistrate, on board of any vessel belonging to or in the service of the Government of Canada, and employed in the service of protecting the fisheries, or any officer of the Customs of Canada, sheriff, justice of the peace or other person duly commissioned for that purpose, may go on board of any ship, vessel or boat within any harbour in Canada, or hovering in British waters within three marine miles of any of the coasts, bays, creeks, or harbours in Canada, or in or upon the inland waters of Canada, and stay on board so long as she remains within such harbour or distance. R. S., c. 94, s. 2.

6. Any one of the officers or persons hereinbefore mentioned may bring any ship, vessel or boat, being within any harbour in Canada, or hovering in British waters, within three marine miles of any of the coasts, bays, creeks or harbours in Canada, or in or upon the inland waters of Canada, into port, and search her cargo, and may also examine the master or person in command upon oath touching the cargo and voyage. R. S., c. 94, ss. 3 and 20.

7. Every ship, vessel, or boat, liable to seizure or examination under this or any Act of the Parliament of Canada shall bring to, when required so to do in the King's name by any commissioned officer of His Majesty's navy, or any officer of the Customs or of the fisheries protection service, or person employed as such, or any stipendiary magistrate, on board of any cruiser or vessel belonging to or in the service of the Government of Canada and employed in the service of protecting the Customs or Fisheries, or, upon signal made by any such Government vessel or cruiser by hoisting the pennant and ensign approved and appointed for the purpose by order of the Governor in Council.

2. On any such ship, vessel or boat failing to bring to when required being chased by any such Government vessel or cruiser having such pennant and ensign hoisted, the captain, master or other person in charge of such Government vessel or cruiser may, after first causing a gun to be fired as a signal, fire at or into such ship, vessel or boat.

3. Such captain, master or other person, as well as any person acting in his aid or by his direction, is hereby indemnified and discharged from any indictment, penalty, action, or other proceeding for so doing. 61 V., c. 38, ss. 1 and 2.

8. No person on board of any ship, vessel or boat, so liable to seizure or examination, which is being chased by any Government vessel or

other cruiser for having failed to bring to upon being required so to do or upon signal made as in the last preceding section provided, shall, during such chase, and before such ship, vessel or boat brings to, throw overboard, stave or destroy any part of the cargo of such ship, vessel or boat, to prevent seizure. 61 V., c. 38, s. 3.

OFFENCES AND PENALTIES.

9. If the master or person in command of any ship, vessel or boat does not, upon any examination on oath by any officer or person under the authority of this Act touching the cargo and voyage of any such ship, vessel or boat, truly answer all questions put to him in such examination, he shall incur a penalty of four hundred dollars. R. S., c. 94, s. 3.

10. Every ship, vessel or boat which is foreign, or not navigated according to the laws of the United Kingdom or of Canada, which,—

(a) has been found fishing or preparing to fish, or to have been fishing in British waters within three marine miles of any of the coasts, bays, creeks or harbours of Canada, not included within the limits specified and described in the first article of the aforesaid convention, or in or upon the inland waters of Canada, without a license then in force granted under this Act; or,

(b) has entered such waters for any purpose not permitted by treaty or convention, or by any law of the United Kingdom or of Canada for the time being in force;

shall, together with the tackle, rigging, apparel, furniture, stores and cargo thereof, be forfeited. R. S., c. 94, ss. 3 and 20.

11. If any ship, vessel, or boat, liable to seizure or examination under this or any Act of Parliament of Canada does not bring to, when required so to do in the King's name by any commissioned officer of His Majesty's navy, or any officer of the Customs or of the fisheries protection service, or person employed as such, or any stipendiary magistrate on board of any cruiser or vessel belonging to or in the service of the Government of Canada and employed in the service of protecting the Customs or Fisheries, or upon signal made by any such Government vessel or cruiser by hoisting the pennant and ensign approved and appointed for such purpose by order of the Governor in Council, the master or officer in charge of such ship, vessel, or boat, shall incur a penalty of four hundred dollars.

2. The ship, vessel, or boat, may be seized and detained until such penalty is paid. 61. V., c. 38, s. 1.

12. If, during chase by such Government vessel or cruiser, or before such ship, vessel, or boat brings to, any person on board such ship, vessel or boat throws overboard or staves or destroys any part of her cargo to prevent seizure, such ship, vessel, or boat shall be forfeited. 61 V., c. 38, s. 3.

13. Every person opposing any officer or person in the execution of his duty under this Act, or aiding or abetting any other person in such opposition, is guilty of an indictable offence, and liable to a fine of eight hundred dollars and to two years' imprisonment. R. S., c. 94, s. 4.

PROCEDURE.

14. All suits and proceedings for the forfeiture or sale of any ship, vessel or boat, or for the recovery and enforcement of any penalty imposed by reason of,—

648 (a) such ship, vessel, or boat not bringing to when required so to do in the King's name, as by this Act provided; or,

(b) the throwing overboard, staving or destroying by any person on board any such ship, vessel, or boat during chase by any Government cruiser or vessel, or before such ship, vessel, or boat brings to, after being required so to do in the King's name, of any part of her cargo to prevent seizure;

may, in addition to any other remedy provided by law, be commenced and prosecuted under the procedure provided by the Customs Act, in so far as the same is applicable.

2. The proceeds of such penalties and forfeitures shall be dealt with in the same manner as the proceeds of penalties and forfeitures under the laws relating to the Customs. 61 V., c. 38, s. 4.

15. All goods, ships, vessels and boats, and the tackle, rigging, apparel, furniture, stores and cargo liable to seizure or forfeiture under this Act, may be seized and secured by any of the officers or persons hereinbefore authorized to go on board of, search or pursue a ship, vessel or boat. R. S., c. 94, s. 4.

16. All goods, ships, vessels and boats, and the tackle, rigging, apparel, furniture, stores and cargo seized as liable to forfeiture under this Act, shall be forthwith delivered into the custody of such fishery officer, or Customs officer, or other person, as the Minister of Marine and Fisheries, from time to time, directs, or shall be retained by the officer making the seizure in his own custody, if so directed by the Minister; and, in either case, shall be secured and kept as other goods, ships, vessels and boats, and the tackle, rigging, apparel, furniture, stores and cargo seized are directed by the laws in force in the province in which the seizure is made, to be secured and kept. R. S., c. 94, s. 5.

17. All goods, vessels and boats, and the tackle, rigging, apparel, furniture, stores and cargo condemned as forfeited under this Act, shall, under regulations made from time to time by the Governor in Council, be sold by public auction, by direction of the officer who has the custody thereof: Provided that the Governor in Council may direct that any goods, vessels or boats and the tackle, rigging, apparel, furniture, stores and cargo seized and forfeited shall be destroyed or be reserved for the public service.

2. The proceeds of every such sale shall be subject to the control of the Minister of Marine and Fisheries, who shall first pay thereout all necessary costs and expenses of custody and sale; and the Governor in Council may from time to time apportion three-fourths or less of the net remainder among the officers and crew of any of His Majesty's ships or Canadian Government vessels from on board of which the seizure was made as he thinks right, but he shall reserve to the Crown and pay over to the Minister of Finance at least one-fourth of such net remainder to form part of the Consolidated Revenue Fund of Canada. R. S., c. 94, s. 6.

18. Every penalty or forfeiture under this Act may be recovered or enforced in the Exchequer Court of Canada on its Admiralty side, or in any superior court in the province within which the cause of prosecution arose. R. S., c. 94, ss. 7 and 20.

19. The Judge of the Exchequer Court on its Admiralty side or any local judge in Admiralty, or any judge of any superior court in which the cause is pending may, with the consent of the person who seizes any goods, ship, vessel or boat, and the tackle, rigging, apparel, furniture, stores and cargo forfeited under this Act, order the redelivery thereof, on security by bond to be given by the party, with two sureties, to his Majesty; and, if any goods, ship, vessel or boat, or the tackle, rigging, apparel, furniture, stores and cargo so redelivered are condemned as forfeited, the value thereof shall be paid into court and distributed as hereinbefore directed. R. S., c. 94, s. 8.

20. The Attorney General of Canada may, in His Majesty's name, sue for or enforce any penalty or forfeiture incurred under this Act. R. S., c. 94, s. 9.

21. The burden of proving the illegality of any seizure, made for alleged violation of any of the provisions of this Act, or that the officer or person seizing was not by this Act authorized to seize, shall lie upon the owner or claimant. R. S., c. 94, s. 10.

22. No claim to anything seized under this Act and returned into the Exchequer Court on its Admiralty side for adjudication shall be entered in such Court, unless the claim is entered under oath, made by the owner, his attorney or agent, setting forth to the best of his knowledge and belief the name of the owner, his residence and occupation, and the description of the property claimed. R. S., c. 94, s. 11.

23. No person shall enter a claim to anything seized under this Act until security is given, in a penal sum not exceeding two hundred and forty dollars, to answer and pay the costs occasioned by such claim.

2. In default of such security, the things seized shall be declared forfeited, and shall be condemned. R. S., c. 94, s. 12.

24. No writ shall be sued out against any officer or other person authorized to seize under this Act for anything done under this Act, until one month after notice in writing containing a statement of the cause of action, the name and place of abode of the person who is to bring the action, and of his attorney or agent, has been delivered to such officer or person or left at his usual place of abode by the person intending to sue out such writ, his attorney or agent.

2. No evidence of any cause of action except such as is contained in such notice shall be admitted. R. S., c. 94, s. 13.

25. Every officer or person who has made a seizure under this Act may, within one month after notice of action received, tender amends to the person complaining, or to his attorney or agent, and may plead such tender. R. S., c. 94, s. 16.

26. Every such action shall be brought within three months after the cause thereof has arisen. R. S., c. 94, s. 14.

27. If, on any information or suit brought to trial under this
649 Act on account of any seizure judgment is given for the claimant, and the court or judge certifies that there was probable cause for seizure, the claimant shall not be entitled to costs, and the person who made the seizure shall not be liable to any indictment or suit on account thereof.

2. If any suit is brought against any person on account of any seizure under this Act, and judgment is given against him, and the court or judge certifies that there was probable cause for the seizure, the plaintiff, besides the thing seized or its value, shall not recover more than four cents damages, and shall not recover any costs, nor, in case of prosecution, shall the defendant be fined more than twenty cents. R. S., c. 94, s. 15.

28. All actions for the recovery or enforcement of penalties or forfeitures imposed by this Act shall be commenced within three years after the offence committed. R. S., c. 94, s. 17.

29. No appeal shall be prosecuted from any decree, or sentence of any court, in respect of any penalty or forfeiture imposed by this Act, unless the inhibition is applied for and decreed within twelve months from the decree or sentence being pronounced. R. S., c. 94, s. 18.

30. In cases of seizure under this Act, the Governor in Council may direct a stay of proceedings, and, in cases of condemnation, may relieve from the penalty, in whole or in part, and on such terms as are deemed right. R. S., c. 94, s. 19.

No. 94.—1906: Extract from *Statute of Canada; Revised Statutes, 1906, Cap. 48.^a*

An Act respecting the customs.

SHORT TITLE.

1. This Act may be cited as the Customs Act. R.S., c. 32, s. 1.

INTERPRETATION.

2. In or for the purposes of this Act, or any other law relating to the Customs, unless the context otherwise requires,—

- (a) "Minister" means the Minister of Customs;
- (b) "port" means a place where vessels or vehicles may discharge or load cargo;
- (c) "collector" means the collector of the Customs at the port or place intended, or any person lawfully deputed, appointed or authorized to do the duty of collector thereat;
- (d) "officer" means an officer of the Customs;
- (e) "vessel" includes any ship, vessel or boat of any kind whatsoever, whether propelled by steam or otherwise, and whether used as a sea-going vessel or on inland waters only, and also includes any vehicle as hereinafter defined;
- (f) "vehicle" means any cart, car, wagon, carriage, barrow, sleigh or other conveyance of what kind soever, whether drawn or propelled by steam, by animals, or by hand or other power, and includes the harness or tackle of the animals, and the fittings, furnishings and appurtenances of the vehicle;
- (g) "master" means the person having or taking charge of any vessel or vehicle;

^a Act now questioned by the United States, see Appendix, pp. 4-5.

- (h) "conductor" means the person in charge or having the chief direction of any railway train;
 - (i) "owner," "importer," or "exporter" includes any person lawfully acting on behalf of the owner, importer or exporter;
 - (j) "goods" means goods, wares and merchandise, or movable effects of any kind, including carriages, horses, cattle and other animals;
 - (k) "warehouse" means any place, whether house, shed, yard, dock, pond or other place in which goods imported may be lodged, kept and secured without payment of duty;
 - (l) "Customs warehouse" includes sufferance warehouse, bonding warehouse and examining warehouse;
 - (m) "oath" includes declaration and affirmation;
 - (n) "seized and forfeited," "liable to forfeiture," or "subject to forfeiture," or any other expression which might of itself imply that some act subsequent to the commission of the offence is necessary to work the forfeiture, shall not be construed as rendering any such subsequent act necessary, but the forfeiture shall accrue at the time and by the commission of the offence, in respect of which the penalty or forfeiture is imposed;
 - (o) "value" in respect of any penalty or forfeiture imposed by this Act and based upon the value of any goods or articles, means the duty-paid value of such goods or articles at the time of the commission of the offence by which such penalty or forfeiture is incurred;
 - (p) "frontier port" means the first port at which the vehicle carrying the goods to be entered arrives by land in Canada after crossing the frontier, and the sea, lake or river port at which the vessel in which the goods are carried arrives direct from a port or place out of Canada;
- 650 (q) "court" means the Exchequer Court of Canada, or any superior court;
- (r) "duty" or "duties" includes special duty and surtax;
 - (s) all carrying by water which is not a carrying by sea or coastwise shall be deemed to be a carrying by inland navigation;
 - (t) the necessary discharging of any goods for the purpose of lightening a vessel in order to pass any shoal or otherwise for the safety of such vessel shall not be deemed an unlawful landing or breaking of bulk.

2. All the expressions and provisions of this Act, or of any law relating to the Customs, shall receive such fair and liberal construction and interpretation as will best ensure the protection of the revenue and the attainment of the purpose for which this Act or such law was made, according to its true intent, meaning and spirit. R. S., c. 32, ss. 2, 29, 111; 51 V., c. 14, s. 2; 58-59 V., c. 22, s. 3; 4 E. VII., c. 10, s. 1.

DEPARTMENT OF CUSTOMS.

3. There shall be a department which shall be called the Department of Customs, over which the Minister of Customs for the time being appointed by the Governor General by Commission under the Great Seal, shall preside. R. S., c. 32, s. 3; 60-61 V., c. 18, s. 2.

4. There shall be a Commissioner of Customs, who shall be the deputy of the Minister, appointed by the Governor in Council, who shall hold office during pleasure, and shall have such powers and perform such duties as are assigned to him by the Governor in Council, or by the Minister. R. S., c. 32, s. 4; 58-59 V., c. 22, s. 3.

5. There shall be an Assistant Commissioner of Customs appointed by the Governor in Council, who shall hold office during pleasure, and shall have such powers and perform such duties as are assigned to him by the Governor in Council, or by the Minister. 3 E. VII., c. 14, s. 3.

6. The Minister may, from time to time, authorize the employment of such temporary or acting officers of Customs in the second or outside divisions of the Department of Customs as are required to carry on the work of the Department.

2. No such officer so employed shall receive a higher salary than he would be allowed if appointed permanently to the same rank and class; nor shall any such salary be paid until voted by Parliament. 3 E. VII., c. 14, s. 4.

7. The Department of Customs shall have the control and management of the collection of the duties of Customs, and of matters incident thereto, and of the officers and persons employed in that service. R. S., c. 32, s. 5.

BOARD OF CUSTOMS.

8. There shall be a Board of Customs, which shall consist of the Commissioner of Customs, or any officer for the time being acting as such, who shall be the chairman of the Board, and such other duly qualified officers of Customs as the Governor in Council from time to time appoints.

2. The Board of Customs shall have such powers and perform such duties as are assigned to it by any Act of the Parliament of Canada or by the Governor in Council.

3. Three members of the Board, of which one member shall be either the Commissioner of Customs, or the officer for the time being acting as Commissioner of Customs, shall form a quorum, and be competent to transact the business of the Board at any meeting thereof, whether regular or special, called by the chairman. 3 E. VII., c. 14, s. 3.

APPRAISERS.

9. The Governor in Council may appoint appraisers to be called Dominion Customs appraisers and assistant Dominion Customs appraisers, with jurisdiction at all ports and places in Canada; and may also appoint Customs appraisers and assistant Customs appraisers with jurisdiction at such ports and places in Canada as are designated in the order in council in that behalf. 51 V., c. 14, s. 12.

10. Every such appraiser and assistant appraiser shall, before acting as such, take and subscribe the following oath of office before any collector, or other person duly authorized to administer such oath:—

I, A. B., having been appointed an appraiser of goods, wares and merchandise, and to act as such at the port of

(or as the case may be), do solemnly swear (or affirm) that I will faithfully perform the duties of the said office without partiality, fear, favour or affection, and that I will appraise the value of all goods submitted to my appraisement, according to the true intent and meaning of the laws imposing duties of Customs in Canada; and that I will use my best endeavours to prevent all fraud, subterfuge or evasion of the said laws, and more especially to detect, expose, and frustrate all attempts to undervalue any goods, wares, or merchandise on which any duty is chargeable. So help me God.

A. B.,

Appraiser for

(as the case may be).

Sworn before me, this day of
(as the case may be).

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51 V., c. 14, s. 12.

651 11. If no appraiser is appointed in any port of entry, the collector there shall act as appraiser, but without taking any special oath of office as such.

2. The Minister may, at any time, direct any appraiser to attend at any port or place for the purpose of valuing any goods, or of acting as appraiser there during any time, and such appraiser shall accordingly do so without taking any new oath of office.

3. Every appraiser shall be deemed an officer of the Customs.
R. S., c. 32, s. 57.

APPLICATION OF CONSOLIDATED REVENUE AND AUDIT ACT.

12. The duties imposed by any Act relating to the Customs shall be held to be duties within the meaning of the Consolidated Revenue and Audit Act, and shall, with all the matters and things thereunto relating, be subject to the provisions of the said Act, and to the regulations and orders of the Governor in Council, made under the authority thereof, in so far as the same are not inconsistent with this Act.

2. All moneys arising from such duties, or from any penalties by this Act imposed, and belonging to His Majesty, shall be paid over by the officer receiving the same to the Minister of Finance, and shall form part of the Consolidated Revenue Fund of Canada. R. S., c. 32, s. 6.

REPORT AND ENTRY INWARDS.

13. No goods shall be unladed from any vessel arriving at any port or place in Canada, from any place out of Canada, or from any vessel having dutiable goods on board brought coastwise, nor shall bulk be broken within three leagues of the coast, until due entry has been made of such goods, and warrant granted for the unlading of the same.

2. No goods shall be so unladed, unless for the purpose of lightening the vessel in crossing over or getting free from a shoal, rock, bar or sand bank, except between sunrise and sunset, and on some day not being a Sunday or statutory holiday, and at some hour and place at which an officer of the Customs is appointed to attend the unlading of goods, or at some place for which a sufferance has been granted by the collector or other proper officer, for the unlading of such goods.

3. If after the arrival of the vessel within three leagues of the coast, any alteration is made in the stowage of the cargo so as to facilitate the unlawful unlading of any part thereof, or if any part

thereof is fraudulently staved, destroyed or thrown overboard, or any package is opened, it shall be deemed a breaking of bulk. R. S., c. 32, s. 21.

14. All goods imported into Canada, whether by sea, land, coastwise, or by inland navigation, whether dutiable or not, shall be brought in at a port of entry where a Custom-house is lawfully established. R. S., c. 32, s. 23.

15. The collector or proper officer of any Canadian seaport may cause any vessel, bound for such seaport from any port out of Canada, to be boarded by an officer, detailed by him for such service, at any place within three marine miles of the anchorage ground, and such officer may demand from the master or purser of such vessel a correct copy of the report inwards intended by such master or purser to be presented at the Custom-house on arrival, and may remain on board the vessel until she anchors.

2. The copy of the report so received by such officer shall be deposited by him at the Custom-house as the vessel's report inwards, for comparison with that to be presented by the master or purser in person. R. S., c. 32, s. 24.

16. The master of every vessel coming from any port or place out of Canada, or coastwise, and entering any port in Canada, whether laden or in ballast, shall go without delay, when such vessel is anchored or moored, to the Custom-house for the port or place of entry where he arrives, and there make a report in writing to the collector or other proper officer, of the arrival and voyage of such vessel.

2. The report shall state, so far as any of the following particulars are or can be known to the master, the name, country, tonnage and port of registry of the vessel, the name of the master, the country of the owners, the number and names of the passengers, if any, the number of the crew, and whether the vessel is laden or in ballast, and if laden, the marks and numbers of every package and parcel of goods on board, and where the same were laden, and the particulars of any goods stowed loose, and where and to whom consigned, and where any and what goods, if any, have been laden or unladen, or bulk has been broken, during the voyage, also the part of the cargo and the number and names of the passengers intended to be landed at that port, and at any other port in Canada, what part of the cargo, if any, is intended to be exported in the same vessel, and what surplus stores remain on board. R. S., c. 32, s. 25.

17. The master or person in charge of any vessel, whether laden or in ballast, arriving by inland navigation in any port or place of entry in Canada, from any place beyond the limits of Canada, and having any goods therein, whether any duty is payable on such goods or not, shall go without delay, when such vessel is anchored or moored, directly to the Custom-house for such port or place of entry, and make a report in writing, in such form as is appointed for that purpose by competent authority, to the collector or other proper officer, of the arrival of such vessel.

2. The report shall state, so far as the following particulars are known to the master or person in charge, the marks and numbers of every package and parcel of goods in such vessel, or in the charge and custody of such person, from what place the same are respectively brought, and to what place and to whom they are consigned or belong.

3. The master or person in charge of the vessel shall then and there produce such goods to the collector or other proper officer, and shall declare that no goods have been unladen from such vessel or 652 have been put out of his possession, between the time of his coming within the limits of Canada and of his making his report and affidavit, and shall further answer all such questions concerning such vessel or goods as are demanded of him by such collector or officer. R. S., c. 32, s. 26.

18. The master shall, at the time of making his report, if required by the officer, produce to him the bills of lading of the cargo, or true copies thereof, and shall make and subscribe an affidavit referring to his report and declaring that all the statements made in the report are true; and shall further answer all such questions concerning the vessel and cargo, and the crew, and the voyage, as are demanded of him by such officer, and shall, if required, make the substance of any such answer part of his report. R. S., c. 32, s. 27.

19. If the contents of any package intended for importation into another port, or for exportation, are unknown to the master, the officer may open and examine it, and cause it for that purpose to be landed if he sees fit. R. S., c. 32, s. 30.

20. If any goods are brought in any decked vessel, from any place out of Canada to any port of entry therein, and not landed, but it is intended to convey such goods to some other port in Canada in the same vessel there to be landed, the duty shall not be paid or the entry completed at the first port, but at the port where the goods are to be landed, and to which they shall be conveyed accordingly under such regulations, and with such security or precautions for compliance with the requirements of this Act, as the Governor in Council, from time to time, directs. R. S., c. 32, s. 31.

21. The conductor of every railway train carrying freight arriving at any port in Canada, from any foreign port or place, shall come directly, and before bulk is broken, to the Custom-house at such port, and report all merchandise on board his train, or in any particular car belonging to such train, stating the marks and numbers of every package and parcel of goods on board, and where the same was laden, and where and to whom it is consigned, and what part thereof, if any, is intended to pass *in transitu* through Canada to some port or place in the United States, or to be transhipped at some other port in Canada, to be exported to a port or place out of Canada. R. S., c. 32, s. 32.

22. No goods shall be imported into Canada in any vehicle, other than a railway carriage, or on the person, between sunset and sunrise on any day, or at any time on a Sunday or a statutory holiday, except under a written permit from the collector of Customs, and under the supervision of an officer. 52 V., c. 14, s. 3.

23. (a) The person in charge of any vehicle other than a railway carriage, arriving by land at any place in Canada and containing goods, whether any duty is payable on such goods or not; and,

(b) The person in charge of any such vehicle so arriving, whether containing goods or not, if the vehicle, or its fittings, furnishings or appurtenances, or the animals drawing the same, or their harness or tackle, is or are liable to duty; and

(c) Every person whosoever so arriving in Canada from any port or place out of Canada, on foot or otherwise, and having with him or in his charge or custody, any goods, whether such goods are dutiable or not;

shall come to the Custom-house nearest to the point at which he crossed the frontier line, or to the station of the officer nearest to such point, if such station is nearer thereto than any Custom-house, before unlading or in any manner disposing of the same, and there make a report in writing to the collector or proper officer, stating the contents of each and every package and parcel of such goods and the quantities and values of the same.

2. Such person shall also then truly answer all questions respecting such goods or packages, and the vehicle, fittings, furnishings and appurtenances and animals, and the harness or tackle appertaining thereto, as the said collector or proper officer requires of him, and shall then and there make due entry of the same, in accordance with the law in that behalf. 52 V., c: 14, s. 3.

24. Every importer of goods by sea from any place out of Canada shall, within three days after the arrival of the importing vessel, make due entry inwards of such goods, and land the same.

2. Every importer of goods imported by inland navigation in a decked vessel of one hundred tons burthen or more, shall, within twenty-four hours of the arrival of the importing vessel, make due entry inwards of such goods and land the same.

3. Every importer of goods imported by inland navigation in any undecked vessel, or in any vessel less than one hundred tons burthen, or by land, shall, forthwith, after the importation of such goods, produce the same to the proper officer and make due entry thereof. R. S., c. 32, s. 34.

25. The person entering any goods inwards shall deliver to the collector or other proper officer,—

(a) an invoice of such goods showing the place and date of purchase and the name or the style of the firm or person from whom the goods were purchased, and a full description thereof in detail, giving the quantity and value of each kind of goods so imported; and,

(b) a bill of entry of such goods, in such form as is appointed by a competent authority, fairly written or printed, or partly written and partly printed, and in duplicate, containing the name of the importer, and if imported by water, the name of the vessel and of the master, and of the place to which bound, and of the place, within the port, where the goods are to be unladen, and the description of the goods, and the marks and numbers and contents of the packages, and the place from which the goods are imported, and of what country or place such goods are the growth, produce or manufacture. R. S., c. 32, s. 35.

26. The quantity and value of any goods shall always be stated in the bill of entry thereof, although such goods are not subject to duty, and the invoice thereof shall be produced to the collector. R. S., c. 32, s. 38.

27. Unless the goods are to be warehoused in the manner by this Act provided, the importer shall, at the time of entry pay down, or cause to be so paid, all duties upon all goods entered in-

wards; and the collector or other proper officer shall, immediately thereupon, grant his warrant for the unlading of such goods, and grant a permit for the conveyance of such goods further into Canada, if so required by the importer. R. S., c. 32, s. 36.

28. In default of such entry and landing, or production of the goods, or payment of duty, the officer may convey the goods to a Customs warehouse, or some secure place appointed by the collector for such purposes, there to be kept at the risk and charge of the owner.

2. If such goods are not duly entered within one month from the date of their being so conveyed to the Customs warehouse, or other appointed place, and all charges of removal and warehouse rent duly paid at the time of such entry, the goods shall be sold by public auction to the highest bidder, and the proceeds thereof shall be applied first to the payment of duties and charges, and the surplus, if any, after discharging the vessel's lien, or other charges for transportation, shall be paid to the owner of the goods or to his lawful agent: Provided that, if the goods cannot be sold for a sum sufficient to pay the duties and charges, if offered for sale for home consumption, or the charges if offered for sale for exportation, such goods shall not be sold, but shall be destroyed. R. S., c. 32, s. 37.

29. If the importer of any goods whereon an *ad valorem* duty is imposed, or the person authorised to make the declaration required with regard to such goods, makes and subscribes a declaration before the collector or other proper officer, that he cannot, for want of full information, make perfect entry thereof, and takes the oath in such cases provided, then the collector or officer may cause such goods to be landed on a bill of sight for the packages and parcels thereof, by the best description that can be given, and to be seen and examined by such person and at his expense, in the presence of the collector or other proper officer, or of such other officer as is appointed by the said collector or other proper officer, and to be delivered to such person, on his depositing in the hands of the collector or officer a sum of money sufficient in the judgment of the collector or officer to pay the duties thereon.

2. If the importer does not complete a perfect entry within the time appointed by the collector, the money so deposited shall be taken and held to be the duty accruing on such goods, and shall be dealt with and accounted for accordingly. R. S., c. 32, s. 39.

30. Such sight entry may be made as aforesaid and the goods may be delivered, if such importer or person as aforesaid makes oath or affirms that the invoice has not been and cannot be produced, and pays to the collector or proper officer aforesaid a sum of money sufficient in the judgment of such collector or officer to pay the duties on such goods; and such sum shall then be held to be the amount of such duties. R. S., c. 32, s. 40.

31. No entry shall, except in cases in which it is otherwise provided herein or by regulation of the Governor in Council, be deemed perfect unless a sufficient invoice of the goods to be entered, duly certified in writing thereon as correct by the person, firm or corporation from whom the said goods were purchased, has been produced to the collector, and duly attested as required by this Act, and, in the case of consigned goods, verified by the oath of the consignor. 51 V., c. 14, s. 9.

32. With the bill of entry of any goods, there shall be produced and delivered to and left with the collector an invoice of the goods, as provided in the last preceding section, attested by the oath of the owner, and if the owner is not the person entering such goods, then verified by the oath of the importer or consignee, or, subject to the provision hereinafter made, some other person who may lawfully make such entry and verify such invoice, in the form or to the effect of the oath or oaths prescribed by the Governor in Council in that behalf.

2. Such oath or oaths shall be written or printed, or partly written and partly printed on such invoice, or on the bill of entry, as the case may be, or shall be annexed thereto, and shall in either case distinctly refer to such invoice so that there can be no doubt as to its being the invoice to which the oath is intended to apply, and such oath shall be subscribed by the person making it and certified by the signature of the person before whom it is made.

3. The bill of entry shall also contain a statement of the quantity and value for duty of the goods therein mentioned, and shall be signed by the person making the entry, and shall be verified in the form or to the effect of the oath prescribed by the Governor in Council in that behalf. R. S., c. 32, s. 42.

33. If there are more than one owner, importer or consignee of any goods, any one of them cognizant of the facts may take the oath required by this Act; and such oath shall be sufficient unless the goods have not been obtained by purchase in the ordinary way, and some owner, resident out of Canada, is the manufacturer or producer of the goods, or concerned in the manufacture or production thereof, in which case the oath of such non-resident owner, or one of the non-resident owners, if there are more than one, cognizant of the facts, shall be requisite to the due attestation of the invoice. R. S., c. 32, s. 43.

34. The invoice of any goods produced and delivered to the collector, with the bill of entry thereof, shall, if required by the collector, be attested by the oath of the owner or one of the owners of such goods, and shall also be verified by the oath of the importer or consignee or other person who may, under this Act, lawfully make entry of such goods and verify such invoice, if the owner or one of the owners is not the person entering such goods; and shall also, if required by the collector, be attested by the oath of the non-resident owner being the manufacturer or producer of such goods, in the case mentioned in the last preceding section, although one of the owners is the person entering the goods and verifying the invoice on oath. R. S., c. 32, s. 44.

35. If the owner, importer or consignee of any goods is dead, or a bankrupt or insolvent, or if for any cause his personal estate is being administered by another person, his executor, curator, administrator or assignee, or person administering as aforesaid, may, if cognizant of the facts, take any oath and make any entry which such owner, importer or consignee might otherwise have taken or made. R. S., c. 32, s. 45.

36. No person other than the owner, consignee or importer of the goods of which entry is to be made, shall be allowed to take any oath connected with the entry, unless there is attached to the bill of entry therein referred to, a declaration by the owner, con-

signee or importer of the said goods, or his attorney and agent duly appointed to transact business with the collector, pursuant to the provisions in that behalf of this Act, to the same effect as the oath, distinctly referring to the invoice presented with such bill of entry, and signed by such owner, importer or consignee, or by his attorney and agent appointed as aforesaid, either in presence of the agent making the entry or of a justice of the peace or notary public, who shall attest the signature. R. S., c. 32, s. 46.

37. Such declaration shall be kept by the collector, but may be dispensed with under the order of the Governor in Council, when it is deemed advisable, in the interests of commerce, to dispense therewith. R. S., c. 32, s. 47.

38. Vessels entering the gut of Annapolis may be reported and entered and the duties on goods therein imported paid, either at the port of Digby or Annapolis. R. S., c. 32, s. 172.

39. Vessels entering the Great Bras d'Or or Little Bras d'Or shall be reported and entered at such place as the Minister, from time to time, directs. R. S., c. 32, s. 173.

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ENTRY OUTWARDS.

96. The master of every vessel bound outwards from any port in Canada to any port or place out of Canada, or on any voyage to any place within or without the limits of Canada, coastwise or by inland navigation, shall deliver to the collector or other proper officer a report outwards under his hand of the destination of such vessel, stating her name, country and tonnage, the port of registry, the name of the master, the country of the owners and the number of the crew.

2. The master shall also, before the vessel departs, bring and deliver to the collector or other proper officer, a content in writing under his hand, of the goods laden, and the names of the respective shippers and consignees of the goods, with the marks and numbers of the packages or parcels of the same, and shall make and subscribe a declaration to the truth of such content as far as any of such particulars can be known to him. 51 V., c. 14, s. 20.

97. Before any goods or ballast are taken on board such vessel, the master shall show that all goods therein imported, except such as were reported for exportation in the same vessel have been duly entered: Provided that it shall be lawful for the collector or other proper officer of Customs to issue a stiffening order that such goods or ballast as are specified therein may be laden before the former cargo is discharged. 51 V., c. 14, s. 20.

98. The master of every vessel whether in ballast, or laden, shall, before departure, come before the collector or other proper officer, and answer all such questions concerning the vessel, and the cargo, if any, and the crew and the voyage, as are demanded of him by such officer, and, if required, shall make his answers or any of them part of the declaration made under his hand.

98. The master of every vessel whether in ballast, or laden, shall, thereupon make out and give to the master a certificate of the clearance of such vessel for her intended voyage with merchandise or a certificate of her clearance in ballast, as the case may be.

3. If there is merchandise on board, and the vessel is bound to any port in Canada, such clearance shall state whether any and which of the goods are the produce of Canada, and, if the goods are such as are liable to duties, whether the duties thereon have been paid; and in such case, the master shall hand the clearance to the collector at the next port in Canada at which he arrives, immediately on his arrival. R. S., c. 32, s. 98:

99. Before a clearance is granted to any vessel bound to a port or place out of Canada, the owners or shippers or consignors of the cargo on board such vessel shall deliver to the collector or other proper officer of Customs entries of such parts of the cargo as are shipped by them respectively, and shall verify the same by oath.

2. Such entries shall specify the kinds and quantities of the articles shipped by them respectively, and the value of the total quantity of each kind of article, and whether the said goods are of Canadian or of foreign production or manufacture.

3. Such oath shall state that such entry contains a full, just and true account of all articles laden on board of such vessel by such owners, shippers or consignors respectively; and that the values of such articles are truly stated according to their actual cost, or the value which they truly bear at the port and time of exportation.

4. In case the goods so shipped or any part thereof are or is liable by law to any export duty, the amount of such duty shall be stated in such entry; and no such entry shall be valid, and no clearance shall be granted to such vessel until such duty is paid to the collector or other proper officer of Customs. R. S., c. 32, s. 101.

100. All goods or merchandise exported by sea, by land or by inland navigation shall be reported and entered outwards at the nearest Custom-house, and a certified copy of the export entry shall be attached to and accompany the waybill of goods; or, if exported from any place where no Custom-house is established, they shall be reported either in like manner at such nearest Custom-house or at the port of exit from Canada, according to such regulations as are established by the Governor in Council from time to time. 51 V., c. 14, s. 22.

101. Upon the entry outwards of any goods to be exported from a Customs warehouse, either by sea or by land or by inland navigation, as the case may be, the person entering the same for such purpose shall, by and upon the making of such entry, whether so expressed in such entry or not, become bound, when the entry aforesaid is for exportation by sea, to the actual exportation of the said goods, and, when the entry aforesaid is for exportation by land or inland navigation, to the actual landing or delivering of the goods at the place for which they are entered outwards, or, in either case, to otherwise account for the said goods to the satisfaction of the collector or other proper officer, and to produce, within a period to be named in such entry, such proof or certificate that such goods have been exported, landed or delivered or otherwise lawfully disposed of, as the 655 case may be, as shall be required by any regulation of the Governor in Council, or by the collector or other proper officer. 51 V., c. 14, s. 22.

102. If, within the period appointed in the entry for such exportation, there is produced to the collector or other proper officer the written certificate of some principal officer of Customs or of colonial

revenue at the place to which the goods were exported, or, if such place is in a foreign country, of any proper officer of Customs therein or of any British or foreign consul or vice-consul resident there, showing that the goods named in the said entry were actually landed and left at some place, naming it, out of Canada, as provided for in the said entry, or, if it is proved to the satisfaction of the collector or other proper officer that the said goods were, after leaving Canada, lost and destroyed, the person making such export entry shall be deemed to have satisfied the obligation thereby imposed upon him. 51 V., c. 14, s. 22.

103. The Minister may define and limit the kind, quantity and class of goods which may be delivered out of warehouse as ship's stores, and also the kind, quantity and class of goods arriving in Canada as stores of vessels, which may be used free of duty on board such vessels in Canadian waters, or which may be treated as surplus stores of vessels, and any such goods, within the definition or limitation so established, may be delivered out of warehouse as ship's stores for any vessel of the registered tonnage of fifty tons or upwards, bound on a voyage to a port out of Canada, or engaged in trade between an Atlantic port and a Pacific port of Canada, or in trade on inland waters along the boundary between Canada and the United States, or for any vessel bound for and engaged in the deep sea fishing, upon proof being made by affidavit of the master or owner or his agent, to the satisfaction of the proper officer, that the stores are necessary and intended for the purposes aforesaid. 61 V., c. 36, s. 1.

104. The owners, shippers or consignors of any goods consigned to a port or place out of Canada, to be transported by railway or other land conveyance, shall enter the same for exportation at the Customhouse nearest to the place of landing; and such entry shall specify the kinds and quantities of the articles laden by them respectively, and the proper name and description of the railway over which such goods are to be transported, or of any other conveyance to be used for the same purpose; and they shall verify the entry by oath, and such oath shall be of the same form and tenor as that required from owners, shippers or consignors of goods to be transported by sea.

2. If any of such goods are liable by law to any export duty, such duty shall be clearly stated upon such entry, and no railway car or other vehicle upon which such goods are laden shall be permitted to leave the limits of the port at which such entry should have been made until such duty is paid to the collector or other proper officer. R. S., c. 32, s. 106.

105. No entry outwards and no shipping warrant or warrant for the taking of goods from warehouse for exportation shall be deemed valid, unless the particulars of the goods and packages correspond with the particulars in the entry inwards, nor unless the goods are properly described in the entry outwards by the character, denomination and circumstances under which they were originally charged with duty. R. S., c. 32, s. 109.

106. If the owner of any goods is resident more than ten miles from the office of the collector at the port of shipment, he may appoint an agent to make his entry outwards and clear and ship his goods, but the name of the agent and the residence of the owner shall be subjoined to the name in the entry and shipping warrant, and the agent shall make the declaration on the entry which is required of

the owner, and shall answer the questions that are put to him, and any trading corporation or company may appoint an agent for the like purpose. R. S., c. 32, s. 110.

REPORTS—GENERAL.

107. The report, inwards or outwards, required by this Act, may, in the case of any steam vessels carrying a purser be made by such purser with the like effect in all respects, and subject to the like penalty on the purser, and on the vessel, and the like forfeiture of the goods in case of any untrue report, as if the report was made by the master; and the word "master," when elsewhere used in this Act in relation to such reports, shall, for the purpose of this section, be construed as including the purser of any steam vessel: Provided that nothing herein contained shall preclude the collector or other proper officer of Customs from calling upon the master of any steam vessel to answer all such questions concerning the vessel, passengers, cargo and crew, as might be lawfully demanded of him if the report had been made by him, or to exempt the master or the vessel from the penalties imposed by this Act for failure to answer any such question, or for answering untruly, or to prevent the master from making such report, if he sees fit so to do. 51 V., c. 14, s. 32.

VERIFICATION OF ENTRIES.

108. No entry and no warrant for the landing of any goods, or for the taking of any goods out of any warehouse shall be deemed valid unless the particulars of the goods and packages in such entry or warrant correspond with the particulars of the goods and packages purporting to be the same in the report of the vessel or other report, where any is required, by which the importation or entry thereof is authorized, nor unless the goods have been properly described in such entry by the denominations and with the characters and circumstances, according to which such goods are charged with duty or may be imported.

2. Any goods taken or delivered out of any vessel, or out of any warehouse, or conveyed into Canada beyond the port or place of entry, by virtue of any entry or warrant not corresponding with the facts in all such respects, or not properly describing the goods, shall be deemed to be goods landed or taken without due entry thereof, and may be dealt with accordingly. R. S., c. 32, s. 119.

656 109. The collector or proper officer, after the entry of any goods, may on suspicion of fraud open and examine any package of such goods in the presence of two or more witnesses, and, if upon examination, the same are found to agree with the entries, they shall be repacked by the collector or proper officer at the public cost. R. S., c. 32, s. 119.

110. Any package of which the importer or his agent declares the contents to be unknown to him may be opened and examined by the collector or other proper officer in the presence of such importer or agent, and at the expense of the importer, who shall also bear the expense of repacking. R. S., c. 32, s. 120.

111. The collector shall cause at least one package in every invoice or entry and at least one package in ten, if there are more than ten in

any invoice or entry, and so many more as he or any appraiser deems it expedient to examine for the protection of the revenue, to be sent to the examining warehouse and there to be opened, examined and appraised, the packages so to be opened being designated by the collector. R. S., c. 32, s. 121.

112. All the packages mentioned in any one entry, although of such packages have been delivered to the importer, or some one on his behalf, shall be subject to the control of the Customs authorities of the port at which they are entered, until such of the packages as have been sent to the examining warehouse for examination have been duly opened and the contents examined and approved.

2. The packages so delivered shall not be opened or unpacked before the goods contained in the package or packages sent to the examining warehouse have been examined and passed as aforesaid: Provided that this prohibition shall not extend beyond a period of three days after the goods designated for examination have been actually delivered at the examining warehouse. 51 V., c. 14, s. 24.

113. Any package delivered without examination, or the goods, if lawfully unpacked, shall, if required by the collector of the port at which they are entered, be returned to the Customs or examining warehouse within ten days of delivery; and the collector shall use due diligence in causing a proper examination thereof to be made, and may, if he sees no objection, permit the remaining packages to be opened and unpacked as soon as the contents of those sent to the Customs or examining warehouse have been examined and approved. 51 V., c. 14, s. 24.

114. The collector may require from the importer or from his agent, of any goods charged with duty, or exempt from duty or conditionally exempt therefrom, before admitting the said goods to entry, such further proof as he deems necessary, by oath or declaration, production of invoices or bills of lading, or otherwise, that such goods are properly described and rated for duty or come properly within the meaning of such exemptions. R. S., c. 32, s. 127.

115. The collector shall require that the true invoice from the exporter to the owner of the goods be delivered for duty purposes with the bill of entry at the Custom-house, when such goods have been sold by the exporter thereof prior to their arrival in Canada, although the goods arrive in Canada consigned to a person other than their owner. 3 E. VII., c. 14, s. 16.

IMPORTATION, EXPORTATION, ARRIVAL AND DEPARTURE OF VESSELS.

116. For the purpose of the levying of any duty, or for any other purpose of this Act or any other law relating to the Customs,—

- (a) the importation of any goods, if made by sea, coastwise or by inland navigation, in any decked vessel, shall be deemed to have been completed from the time the vessel in which such goods were imported came within the limits of the port at which they ought to be reported, and, if made by land or by inland navigation in any undecked vessel then from the time such goods were brought within the limits of Canada;
- (b) the exportation of any goods from Canada shall be deemed to have been commenced from the time of the legal shipment of such goods for exportation after due entry outwards in

any decked vessel, or, if the exportation is by land or in any undecked vessel, from the time the goods were carried beyond the limits of Canada;

- (c) the date of exportation in any decked vessel of any goods to Canada, from any port or place out of Canada, shall be deemed and taken to be the date at which such goods actually left such port or place out of Canada for their destination in Canada, which date may be established by the production of the clearance of the vessel from such port or place out of Canada, or the oath of the master as to the date of sailing, if such sailing were subsequent to the date of the clearance;
- (d) the time of the arrival of any vessel in a Canadian port shall be deemed to be the time at which the report of such vessel was, is, or ought to have been made;
- (e) the time of the departure of any vessel from a Canadian port shall be deemed to be the time of the last clearance of such vessel on the voyage on which she departed. 52 V., c. 14, s. 12.

DUTIES CONSTITUTE A DEBT.

117. The true amount of Customs duties payable to His Majesty with respect to any goods imported into Canada or exported therefrom shall, from and after the time when such duties should have been paid or accounted for, constitute a debt due and payable to His Majesty, jointly and severally, from the owner of the goods at the time of the importation or exportation thereof, and from the importer or exporter thereof, as the case may be; and such debt may, at any time, be recovered with full costs of suit, in any court of competent jurisdiction. R. S., c. 32, s. 7; 4 E. VII., c. 10, s. 2.

118. No person, unless he is authorized by the Governor in Council, shall import any goods, wares or merchandise from any port or place out of Canada in any vessel which has not been duly registered and has not a certificate of such registry on board. R. S., c. 32, s. 170.

REMOVAL OF GOODS AFTER ENTRY AND PAYMENT OF DUTY.

119. When any person has occasion to remove, from any port of entry to any other port or place, any goods duly entered and on which the duties imposed by law have been paid, the collector or principal officer of the Customs at such port, on the requisition in writing of such person, within thirty days after the entry of such goods, specifying the particular goods to be removed and the packages in which such goods are contained with their marks and numbers, shall give a permit or certificate in writing signed by him, bearing date of the day it is made, and containing the like particulars, and certifying that such goods have been duly entered at such port and the duties paid thereon, and stating the port or place at which the same were paid, and the port or place to which it is intended to convey the goods and the mode of conveyance, and the period within which they are intended to be so conveyed. R. S., c. 32, s. 132.

GOODS EXEMPT FROM DUTIES.

120. All goods exempt from duty as being imported or taken out of warehouse for the use of His Majesty's troops, or for any purpose for which such goods may be imported free of duty, shall, in case of the sale thereof after importation, become liable to and be charged with the duties payable on like goods on their importation for other purposes. R. S., c. 32, s. 160.

121. Goods claimed to be exempt from duty under any Act relating to duties of Customs shall, in the entry thereof, be described and set forth in the words by which they are described to be free in the Act.

2. If the goods do not answer such description, the collector or other proper officer may seize the same as forfeited, or, if the collector deems it expedient, he may detain the goods and report the case for the action of the Commissioner of Customs and the decision of the Minister as provided in this Act. R. S., c. 32, s. 161.

GOODS LANDED OR SOLD FOR REPAIRS TO VESSELS.

122. If any vessel which has received damages puts into a port in Canada to which she is not bound, having dutiable goods on board, which it is necessary to land for the purpose of repairing the vessel in order to enable her to proceed on her voyage, the collector, upon application of the master or agent, may permit such goods to be unladen and deposited in a warehouse in the custody of the collector; and the collector shall cause to be taken an exact account of the packages and contents.

2. Entry of the goods shall then be made by the master or agent, as hereinbefore directed, and they shall remain in custody of the collector until the vessel is ready for sea, when, upon payment of storage and the reasonable charges of unlading and storing, the collector shall deliver up the same to the master or agent to be exported or carried coastwise, as the case may be, under the same security and regulations as if such goods had been imported in the usual manner, and without payment of duty. R. S., c. 32, s. 162.

123. No person shall be entitled to the benefit of the next preceding section who has sold any of such goods, except such as it has been necessary to sell to defray the expense of repairs and charges of the vessel, or such as have been authorized by the collector to be sold. R. S., c. 32, s. 163.

124. If such goods are sold for payment of repairs and charges they shall be subject to duty, and shall be warehoused, or the duties thereon paid by the purchaser. R. S., c. 32, s. 163.

LANDING OF GOODS BEFORE REPORT.

125. Fresh fish, coin or bullion may be landed without entry or warrant, as may also goods in any stranded or wrecked vessel, provided they are duly reported and entered as soon as possible after being safely deposited on shore, and that the landing is in presence of an officer of the Customs or receiver of wreck, or other person authorized to act as such receiver under Part X. of the Canada Shipping Act. R. S., c. 32, s. 164.

126. If a vessel which has live stock or perishable articles on board arrives after business hours, the collector or any officer at the port may permit the master to unload the same before report; but report shall in such case be made as soon as possible after the next opening of the Custom-house. R. S., c. 32, s. 165.

IMPORTATION OF FIRE-ARMS AND MUNITIONS OF WAR.

127. Fire-arms and munitions of war shall not be imported except from the United Kingdom of Great Britain and Ireland, unless upon application to, and permission given by the Minister. R. S., c. 32, s. 171.

658

IMPORTATION OF MEDICINAL PREPARATIONS.

128. All medicinal preparations, whether chemical or other, usually imported with the name of the manufacturer, shall have the true name of such manufacturer and the place where they are prepared, and the word *Alcoholic*, if they contain alcohol, or *Non-alcoholic*, if they do not contain alcohol, permanently and legibly affixed to each parcel by stamp, label, or otherwise. 60-61 V., c. 16, s. 12.

REFUND OF DUTY.

129. No refund of duty paid shall be allowed because of any alleged inferiority, or deficiency in quantity of goods imported and entered, and which have passed into the custody of the importer under permit of the collector, or because of the omission in the invoice of any trade discount, or other matter or thing, which might have the effect of reducing the quantity or value of such goods for duty, unless the same has been reported to the collector within fourteen days of the date of entry or delivery or landing, and the said goods have been examined by the said collector or by an appraiser or other proper officer of Customs, and the proper rate or amount of reduction certified by him after such examination; and, if such collector or proper officer reports that the goods in question cannot be identified as those named in the invoice and entry in question, no refund of the duty or any part thereof shall be allowed.

2. All applications for refund of duty in such cases shall be submitted with the evidence and all particulars for the decision of the Minister, who may order payment on finding the evidence sufficient and satisfactory. R. S., c. 32, s. 63; 62-63 V., c. 22, s. 1; 3 E. VII., c. 14, s. 13.

130. Although any duty of Customs has been overpaid, or although, after any duty of Customs has been charged and paid, it appears or is judicially established that the same was charged under an erroneous construction of the law, no such overcharge shall be returned after the expiration of three years from the date of such payment, unless application for payment has been previously made. R. S., c. 32, s. 168.

131. No refund of duty shall be allowed after the lapse of fourteen days from the time of entry for any alleged misdescription of goods by the importer.

2. If any error of description is discovered by the importer while unpacking his goods, he shall immediately and without further interference with the goods, report the facts to the collector in order that the same be verified. R. S., c. 32, s. 169.

AGENTS.

132. Any act or thing done or performed by a duly authorized agent shall be binding upon the person by or on behalf of whom the same has been done or performed as fully as if the act or thing had been done or performed by the principal, but, whenever any person makes application to an officer of the Customs to transact any business on behalf of any other person, such officer may require the person so applying to produce a written authority from the person on whose behalf the application is made, and in default of the production of such authority may refuse to transact such business. R. S., c. 32, s. 157.

133. Any attorney or agent duly thereunto authorized by a written instrument, which he shall deliver to and leave with the collector, may, in his said quality, validly make any entry, or execute any bond or other instrument required by this Act, and shall thereby bind his principal as effectually as if such principal had himself made such entry or executed such bond or other instrument, and may take the oath by this Act required by a consignee or agent if he is cognizant of the facts therein averred.

2. Any instrument appointing such attorney or agent shall be valid if it is in the form prescribed by the Minister. R. S., c. 32, s. 158.

134. Any partner in or attorney or agent of an unincorporated company, association or co-partnership of persons may, under the name and style usually taken by such company, association or co-partnership, make any entry or execute any bond or other instrument required by this Act, without mentioning the name or names of any of the members of the company or association or co-partnership, and such entry, bond or instrument shall bind them as fully and effectually, and shall have the same effect in all respects as if the name of every such member or partner had been therein mentioned and he had signed the same; and, if it is a bond or other instrument under seal, as if he had thereunto affixed his seal and had delivered the same as his act and deed; and the seal thereunto affixed shall be held to be the seal of each and every such member or partner, as aforesaid.

2. The person who, under this section, makes any entry or executes any bond or instrument on behalf of any company, association or co-partnership, shall, under the name and style usually taken by such company, association or co-partnership, write his own name with the word *by* or the words *by their Attorney*, or words to the like effect, as the case may be, thereunto prefixed.

3. The provisions of this section shall apply to any instrument by which any company, association or co-partnership of persons appoints an attorney or agent to act for them under the last preceding section. R. S., c. 32, s. 159.

OATHS.

135. Whenever the person required to take any oath under any Act or regulation relating to the Customs is one of the persons entitled by law to take a solemn affirmation instead of an oath in civil cases, such person may, instead of the oath so required, make a solemn affirmation to the same effect.

659 2. Every person before whom any oath is, by any such Act or regulation required, or allowed to be taken, or solemn affirmation to be made, shall have full power to administer the same. R. S., c. 32, s. 151.

136. Every oath required under the provisions of this Act connected with the entry of goods may be made in Canada before the collector, sub-collector, surveyor or chief clerk at the port where the goods are entered, or, if the person making such oath is not resident there, then before the collector or proper officer of some other port.

2. When such oath is required to be made out of the limits of Canada, it may be made at any place within the United Kingdom, or at any place in His Majesty's possessions abroad, before the collector or before the mayor or other chief municipal officer of the place where the goods are shipped, or before a notary public, and, at any other place before a British consul, or if there is no British consul, then before a foreign consul at such place. R. S., c. 32, s. 152.

137. The Commissioner of Customs or other person acting as deputy head of the department, and all officers holding, under order in council, the rank of chief clerk of the inside service in the said Department, and all duly appointed inspectors of Customs ports, shall by virtue of their office, have full authority to administer all oaths and receive all affirmations and declarations required or authorized by this Act, and also to administer all oaths of allegiance and of office required by the Civil Service Act to be taken by Customs officers.

2. The Governor in Council may, from time to time, by regulation appoint or designate such other and additional persons, officers or functionaries, as he sees fit, by name, or by their name of office, in Canada or out of Canada, as those before whom such oaths may be validly taken. 51 V., c. 14, s. 33.

138. Every officer of Customs and every person acting as such officer under the directions of the Minister may administer any oath prescribed to be taken in respect of any matter within the scope of the official duties assigned to such officer. 3 E. VII., c. 14, s. 17.

BONDS, SECURITIES, ETC.

139. All bonds and securities, of what kind and nature soever, authorized to be taken by any law relating to Customs, trade or navigation, shall be taken to and for the use and benefit of His Majesty.

2. Such bonds shall be taken before the performance of any act with regard to which the taking of any such bond or bonds is required. R. S., c. 32, s. 154.

140. All bonds, documents and papers necessary for the transaction of any business at the respective Custom-houses or places or ports of entry in Canada, shall be in such form as the Minister, from time to time directs. R. S., c. 32, s. 155.

BILL OF HEALTH.

141. Whenever the collector at any port is satisfied that, in such port, as well as in the adjacent city or town and its vicinity, there does not exist an extraordinary, infectious, contagious or epidemic disease, which could be transmitted by the vessel, her crew or cargo, he may grant to any vessel requiring a bill of health a certificate under his hand and seal, attesting the fact aforesaid, for which he shall be entitled to ask and receive a fee of one dollar. R. S., c. 32, s. 174.

SALE AND DISPOSAL OF GOODS; APPROPRIATION AND DISTRIBUTION OF PROCEEDS.

142. If the duties on any goods, derelict, flotsam, jetsam or wreck, or landed or saved from any vessel wrecked, stranded or lost, are not paid within eighteen months from the time when such goods were delivered to the proper officer as hereinafter mentioned, such goods may be sold in like manner and for the same purposes as goods imported may for such default be sold, and, if they are sold for more than enough to pay the duty and charges thereon, the surplus shall be paid over to the person entitled to receive it. 51 V., c. 14, s. 7.

143. Sales of goods forfeited or otherwise liable to be sold under this Act shall be by public auction, and after a reasonable public notice, and subject to such further regulations as are made by the Governor in Council; but, in any case, the Minister may order vessels, goods, vehicles or things forfeited to be disposed of as he sees fit, instead of being sold by public auction. R. S., c. 32, s. 190.

144. The proceeds, after deducting expenses, shall, unless it is otherwise provided, belong to His Majesty for the public uses of Canada; Provided that the net proceeds or any portion thereof may be divided between and paid to the collector or chief officer of the Customs at the port or place where the seizure was made, and the officer or officers by whom the seizure was made, or the information given which led to the seizure, and any person who has given information or otherwise aided in effecting the condemnation of the things seized, in such proportions as the Governor in Council in any case or class of cases directs and appoints.

2. Nothing in this section contained shall be construed to limit or affect any power vested in the Governor in Council or the Minister to make and ordain any other plan or system for the redistribution of such net proceeds, or with regard to the remission of penalties or forfeitures imposed by this Act or any other law. R. S., c. 32, s. 191.

145. The surplus, if any, of the proceeds of the sale of any vessel sold for any penalty over and above the amount of the penalty, and expenses incurred, shall be paid to the owner of the vessel so sold, or to his lawful agent or other person entitled thereto. 51 V., c. 14, s. 48.

146. Every officer and person who is employed under the authority of any Act relating to the collection of the revenue, or under the direction of any officer of Customs, shall be deemed and taken to be duly employed for the prevention of smuggling and for the enforce-

ment of this Act in every respect, whether such officer or person is or is not the holder of a writ of assistance.

2. In any suit or information, the averment that such person was so duly employed shall be *prima facie* proof thereof. 51 V., c. 14, s. 25.

147. Every such officer or person as mentioned in the last preceding section, and every sheriff, justice of the peace, or person residing more than ten miles from the residence of any officer of Customs and thereunto authorized by any collector or justice of the peace, may, upon information, or upon reasonable grounds of suspicion, detain, open and examine any package suspected to contain prohibited property or smuggled goods, or goods respecting which there has been any violation of any of the requirements of this Act, and may go on board of and enter into any vessel or vehicle of any description whatsoever, and may stop and detain the same, whether arriving from places beyond or within the limits of Canada, and may rummage and search all parts thereof for such goods.

2. If any such goods are found in any such vessel or vehicle, the officer or person so employed may seize and secure such vessel or vehicle together with all the sails, rigging, tackle, apparel, horses, harness and all other appurtenances which, at the time of such seizure, belong to or are attached to such vessel or vehicle, with all goods and other things laden therein or thereon. R. S., c. 32, s. 134.

148. Any officer, having first made oath before a justice of the peace that he has reasonable cause to suspect that goods liable to forfeiture are in any particular building, or in any yard or other place, open or inclosed, may, with such assistance as is necessary, enter therein at any time between sunrise and sunset: Provided that, if the doors are fastened, admission shall be first demanded, and the purpose for which entry is required declared, when, if admission is not given, the officer may forcibly enter.

2. After entry is made, the officer may search the premises and seize all goods which he has reasonable grounds to believe are subject to forfeiture.

3. Such acts may be done by an officer without oath or the assistance of a justice of the peace, in places where no justice of the peace resides, or where no justice of the peace can be found within five miles at the time of search. 51 V., c. 14, s. 26.

149. If any building is upon the boundary line between Canada and any foreign country, and there is reason to believe that dutiable goods are deposited or have been placed therein, or carried through or into the same without payment of duties and in violation of law, and, if the collector or proper officer of Customs makes oath before any justice of the peace that he has reason to believe as aforesaid, such collector or officer may search such building and the premises belonging thereto, so far as the same are within the limits of Canada. R. S., c. 32, s. 138.

150. Officers of Customs may board any vessel at any time or place, and stay on board until all the goods intended to be unladen have been delivered; and they shall have free access to every part of the vessel, with power to fasten down hatchways, the forecastle excepted, and to mark and secure any goods on board: and if any place, box or chest is locked, and the keys are withheld, the officer may open the same. R. S., c. 32, s. 139.

151. The collector or other proper officer of Customs may station officers on board any ship while within the limits of a port, and the master shall provide every such officer with suitable accommodation and food. R. S., c. 32, s. 140.

152. Under the authority of a writ of assistance, any officer or any person employed for that purpose with the concurrence of the Governor in Council expressed either by special order or appointment or by general regulation, may enter, at any time in the day or night, into any building or other place within the jurisdiction of the court from which such writ issues, and may search for and seize and secure any goods which he has reasonable grounds to believe are liable to forfeiture under this Act, and, in case of necessity, may break open any doors and any chests or other packages for that purpose. 51 V., c. 14, s. 29.

153. Any officer or person in the discharge of the duty of seizing goods, vessels, vehicles or property liable to forfeiture under this Act, may call in such lawful aid and assistance in the King's name, as is necessary for securing and protecting such seized goods, vessels, vehicles or property. R. S., c. 32, s. 144.

154. If any vessel is found hovering in British waters, within one league of the coasts or shores of Canada, any officer may go on board and enter into such vessel and stay on board such vessel, while she remains within the limits of Canada or within one league thereof; and, if any such vessel is bound elsewhere, and so continues hovering for the space of twenty-four hours after the master has been by such officer required to depart, such officer may bring the vessel into port, and examine her cargo. R. S., c. 32, s. 113.

SEARCH OF THE PERSON.

155. Any officer, or person by him authorized thereunto, may search any person on board any vessel or boat within any port in Canada, or on or in any vessel, boat or vehicle entering Canada by land or inland navigation, or any person who has landed or got out of such vessel, boat or vehicle, or who has come into Canada from a foreign country in any manner or way, if the officer or person so searching has reasonable cause to suppose that the person searched has goods subject to entry at the Customs, or prohibited goods, secreted about his person. R. S., c. 32, s. 135.

156. Before any person can be searched, such person may require the officer to take him before some police magistrate or justice of the peace, or before the collector or chief officer of Customs at the port

661 or place, who shall, if he sees no reasonable cause for search, discharge such person, but, if otherwise, he shall direct such person to be searched: Provided that if such person is a female she shall be searched by a female, and any such magistrate, justice of the peace or collector may, if there is no female appointed for such purpose, employ and authorize a suitable female person to act in any particular case or cases. R. S., c. 32, s. 135.

157. Every officer required to take any person before a police magistrate, justice of the peace, or chief officer of Customs as aforesaid, shall do so with all reasonable despatch. R. S., c. 32, s. 136.

WRITS OF ASSISTANCE.

158. The judge of the Exchequer Court of Canada, or any judge of any of the superior courts in any province of Canada, having jurisdiction in the province or place where the application is made, shall grant a writ of assistance upon application made to him for that purpose by His Majesty's Attorney General of Canada or by a collector or by any superior officer of Customs; and such writ shall remain in force so long as any person named therein remains an officer of Customs, whether in the same capacity or not.

2. For the purposes of this section, any judge of the Court of King's Bench, in the province of Manitoba, shall have jurisdiction over that part of Canada formerly known as the district of Keewatin, and shall grant a writ of assistance for use therein, in like manner and with like effect as he might grant such writ for use in the province of Manitoba. R. S., c. 32, s. 141; 51 V., c. 14, s. 28.

159. Every writ of assistance granted before the coming into force of this Act, under the authority of Acts relating to the Customs now repealed, shall remain in force, notwithstanding such repeal, in the same manner as if such Acts had not been repealed. R. S., c. 32, s. 142.

PROTECTION OF OFFICERS.

160. No action, suit or proceeding shall be commenced and no writ shall be sued out against, or copy of any process served upon any officer, or person employed for the prevention of smuggling, for anything done in the exercise of his office or duty, or against or upon any person in possession of goods under authority of any officer of Customs, so long as any proceeding for the enforcement of this Act in relation to the matter forming the ground of such action, suit, proceeding, writ or process is pending, nor until one month after notice in writing containing the particulars by this section required has been delivered to such officer or person, or left at his usual place of abode, by the person who intends to sue out such writ or process, his attorney or agent.

2. In such notice shall be clearly and explicitly contained a statement of the cause of the action, the name and place of abode of the person who is to bring such action, and the name and place of abode of his attorney or agent.

3. No evidence of any cause of action shall be produced except of such cause of action as is contained in such notice, and no verdict or judgment shall be given for the plaintiff, unless he proves on the trial that such notice was given, in default of which proof, the defendant shall be entitled to a verdict or judgment and costs. 51 V., c. 14, s. 30.

161. Any such officer or person against whom any action, suit or proceeding is brought on account of anything done in the exercise of his office or duty may, within one month after such notice, tender amends to the person complaining, or his agent, and plead such tender in bar to the action, together with other pleas.

2. If the court or jury, as the case may be, finds the amends sufficient, judgment or verdict shall be given for the defendant.

3. In such case, or if the plaintiff becomes non-suited, or discontinues his action, or judgment is given for the defendant upon de-

murrer or otherwise, such defendant shall be entitled to full costs of defence.

4. The defendant, by leave of the court in which the action is brought, may, at any time before issue joined, pay money into court as in other actions. R. S., c. 32, s. 146.

162. Every such action, suit or proceeding shall be brought within three months after the cause thereof, and shall be laid and tried in the place or district where the acts complained of were committed.

2. The defendant may plead the general issue, and give the special matter in evidence. R. S., c. 32, s. 147.

163. If, in any such action, suit or proceeding, the court or judge before whom the trial takes place certifies that the defendant acted upon probable cause, the plaintiff shall not be entitled to more than twenty cents damages nor to any costs of suit, nor, in case of a seizure, shall the person who made the seizure be liable to any civil or criminal suit or proceeding on account thereof. R. S., c. 32, s. 148.

164. No action, suit or proceeding shall be commenced against the Crown, or against any officer or person employed for the prevention of smuggling, or against any person in possession of goods under authority of an officer, for the recovery of the thing seized, until a decision has been first given either by the Minister or by a court of competent jurisdiction in relation to the condemnation of the thing seized.

2. Every such action, suit or proceeding shall be brought within three months after such decision has been given. 51 V., c. 14, s. 31.

165. If, upon search under the authority of this Act, by any officer or person in the discharge of the duty of seizing goods, vessels, vehicles or property liable to forfeiture under this Act, or by any person lawfully called in to aid and assist in such search, no prohibited, smuggled or forfeited goods are found, and if such officer

or person had reasonable cause to suspect that prohibited, for-
662 feited or smuggled goods would be found, he shall not be

liable to any prosecution, action or other legal proceeding on account of any such search, or the detention or stoppage of any goods detained or stopped in connection therewith. R. S., c. 32, s. 144.

ARTICLES SEIZED—HOW DEALT WITH.

166. All vessels, vehicles, goods and other things seized as forfeited under this Act, or any other law relating to Customs or to trade or navigation, shall be placed in the custody of the nearest collector and secured by him, or, if seized by any officer in charge of a revenue vessel, shall be retained on board thereof until her arrival in port. 52 V., c. 14, s. 14.

167. All such vessels, vehicles, goods or other things seized as forfeited shall be deemed and taken to be condemned without suit, information or proceedings of any kind, and may be sold; and all moneys paid to or deposited with any officer of Customs in lieu of any things seized or as the ascertained value of any things liable to seizure and forfeiture shall likewise be deemed and taken to be condemned without suit, information or proceedings of any kind; unless, in either case, the person in whose possession or custody they were seized or the owner thereof, or the person paying or depositing any moneys as aforesaid, or some person on his behalf, within one month from

the day of seizure, payment or deposit, gives notice in writing to the seizing officer, or other chief officer of the Customs at the nearest port, that he claims or intends to claim the same.

2. The burden of proof that such notice was duly given in any case shall lie upon the person so claiming. 52 V., c. 14, s. 14.

168. Proceedings for the condemnation of the things seized or any moneys paid or deposited in lieu thereof or as the ascertained value of things liable to seizure, may be commenced and prosecuted to judgment, whether notice as provided in the last preceding section has or has not been given. 52 V., c. 14, s. 15.

169. If any goods, property or vehicle, subject or liable to forfeiture under this Act, or any other law relating to the Customs, are stopped or taken by any police or peace officer or any person duly authorized, such goods, property or vehicle shall be taken to the Custom-house nearest to the place where the same was stopped or taken, and there delivered to the proper officer authorized to receive the same, within forty-eight hours after the same has been stopped or taken. R. S., c. 32, s. 175.

170. If any such goods, property or vehicle is stopped or taken by any police or peace officer, on suspicion that the same has been stolen, such officer shall carry the same to the police office to which the offender is taken, there to remain until and in order to be produced at the trial of the said offender; and in such case the officer shall give notice in writing to the collector or principal officer of His Majesty's Customs, at the port nearest to the place where such goods have been detained, of his having so detained the said goods, with the particulars of the same; and, immediately after the trial, all such goods shall be conveyed to and deposited in the Custom-house or other place appointed as aforesaid, and proceedings relative to the same shall be had according to law. R. S., c. 32, s. 176.

171. Any collector or other proper officer of Customs may, as may also the court with the consent of the collector or other proper officer of Customs at the place where the things seized are, order the delivery thereof to the owner, on the deposit with the collector or other proper officer of Customs, in money, of a sum equal at least to the full duty-paid value, to be determined by the collector or other proper officer of Customs, of the things seized and the estimated costs of the proceedings in the case.

2. Any collector or other proper officer of Customs may receive from any person charged with any contravention of this Act, although no seizure of goods has taken place, a sum in money equal to the full amount of the penalty or forfeiture to which he may be liable for such contravention, to be determined by the collector or other proper officer of Customs, together with the estimated costs of the proceedings in the case.

3. Any sum of money so deposited shall be immediately deposited in some bank appointed for that purpose by competent authority, to the credit of the Minister of Finance, there to remain until forfeited in due course of law or released by order of the Minister.

4. If such seized articles are condemned, or such penalty or forfeiture accrues to the Crown, either by judgment of a court or by decision of the Minister under this Act, the money deposited shall be forfeited. 51 V., c. 14, s. 34.

172. Any sum of money so deposited shall, unless the same is released as in the last preceding section provided, become the property of His Majesty for the public uses of Canada, subject to the provisions of this Act with respect to the distribution of the proceeds of forfeited goods.

2. No proceedings against the Crown for the recovery of any such money shall be instituted, except within six months from the date of the deposit thereof. 52 V., c. 14, s. 13.

173. If the thing seized is an animal or a perishable article, the collector at whose port the same is may sell the same so as to avoid the expense of keeping it or to prevent its becoming deteriorated in value; and the proceeds of such sale shall be deposited in some chartered bank to the credit of the Minister of Finance, and shall abide the judgment of the court with respect to the condemnation of the thing seized, if proceedings for condemnation are taken in court; or shall become the property of His Majesty, if the thing seized becomes condemned without proceedings in court: Provided that the collector shall deliver up such animal or perishable article to the claimant thereof, upon such claimant depositing with him a sum of money sufficient in the opinion of the collector to represent the duty-paid value of the thing claimed, and the costs of any proceedings to be taken in court for the condemnation of the thing seized; and the money so deposited shall be paid into some chartered bank 663 to the credit of the Minister of Finance, and shall be dealt with in the same manner as hereinbefore provided for in the case of the proceeds of a sale of such thing. R. S., c. 32, s. 188.

PROCEEDINGS UPON SEIZURE OR ALLEGED PENALTY OR FORFEITURE INCURRED.

174. Whenever any vessel, vehicle, goods or thing has been seized or detained under any of the provisions of this Act or of any law relating to the Customs, or when it is alleged that any penalty or forfeiture has been incurred under the provisions of this Act or of any law relating to the Customs, the collector or the proper officer shall forthwith report the circumstances of the case to the Commissioner of Customs. R. S., c. 32, s. 177.

175. The commissioner may thereupon notify the owner or claimant of the thing seized or detained, or his agent, or the person alleged to have incurred the penalty or forfeiture, or his agent, of the reasons for the seizure, detention, penalty, or forfeiture, and call upon him to furnish within thirty days from the date of the notice such evidence in the matter as he desires to furnish.

2. Such evidence may be by affidavit or affirmation, made before any justice of the peace, collector of Customs, commissioner for taking affidavits in any court, or notary public. R. S., C. 32, s. 178.

176. After the expiration of the said thirty days, or sooner, if the person so called upon to furnish evidence so desires, the commissioner may consider and weigh the circumstances of the case, and report his opinion and recommendation thereon to the Minister. R. S., c. 32, s. 179.

177. The Minister may thereupon either give his decision in the matter respecting the seizure, detention, penalty or forfeiture, and

the terms, if any, upon which the thing seized or detained may be released or the penalty or forfeiture remitted, or may refer the same to the court for decision. 51 V., c. 14, s. 34.

178. If the owner or claimant of the thing seized or detained, or the person alleged to have incurred the penalty, does not, within thirty days after being notified of the Minister's decision, give him notice in writing that such decision will not be accepted, the decision shall be final. 51 V., c. 14, s. 34.

179. If the owner or claimant of the thing seized or detained, or the person alleged to have incurred the penalty, within thirty days after being notified of the Minister's decision, gives him notice in writing that such decision will not be accepted, the Minister may refer the matter to the Court. 51 V., c. 14, s. 34.

180. On any reference of any such matter by the Minister to the court, the court shall hear and consider such matter upon the papers and evidence referred and upon any further evidence which, under the direction of the court, the owner or claimant of the thing seized or detained, or the person alleged to have incurred the penalty, or the Crown, produces, and the court shall decide according to the right of the matter.

2. Judgment may be entered upon any such decision, and the same shall be enforceable and enforced in like manner as other judgments of the court. 51 V., c. 14, s. 34.

181. The service of notice to produce evidence and of the Minister's decision shall be sufficient, if it is effected by sending such notice by mail in a registered letter addressed to the owner or claimant at his address, as stated in the report of the seizure; and the thirty days allowed in respect of either of such notices shall, in case of such service by mail, be computed from the date of the mailing of such notification. 51 V., c. 14, s. 34.

182. If notice of intent to claim has been given and the value of the goods or thing seized does not, in the opinion of the prosecuting officer, exceed one hundred dollars, such officer shall, if he chooses to proceed under this section, forthwith cause the goods to be valued by a competent appraiser, and, if such appraiser certifies them not to exceed the said value, a summary information in writing may be exhibited in the name of the collector at or nearest to the place of seizure, or in the name of any officer authorized thereto by the Minister, before two justices of the peace, charging the articles seized as forfeited under some particular Act and section thereof to be therein referred to, and praying condemnation thereof; and the justices shall thereupon issue a general notice for all persons claiming interest in the seizure to appear at a certain time and place to claim the articles seized and answer the information, and stating that otherwise such articles will be condemned.

2. A copy of the notice shall, at least eight days before the time of appearance, be served upon the person from whose possession the things were taken, or shall be left at or affixed to the building or vessel, if any, in which they were seized, if there remaining, or at two public places nearest the place of seizure.

3. If any person appears to answer the information, the justices shall hear and determine the matter in a summary manner and acquit or condemn the articles, but if no person appears, judgment of con-

demnation shall be given; and the justices on condemnation shall issue a warrant to the collector to sell the goods.

4. Such two justices shall be deemed a court, and each of them a judge thereof for the purposes of this Act. R. S., c. 32, s. 189.

PRODUCTION AND DELIVERY OF BOOKS, INVOICES, ETC.

183. Whenever information has been given under oath to any officer that goods or things have been unlawfully imported or entered, or whenever any goods have been seized or detained under any of the provisions of this Act or of any law relating to the Customs, the importer or exporter thereof, or the owner or claimant thereof, shall immediately, upon being required so to do by a collector or other proper officer of customs, produce and hand over all invoices, bills, accounts and statements of the goods so imported, entered, seized, or detained, and of all other goods imported into Canada by him at any time within six years preceding such request, seizure, or detention; and shall also produce for the inspection of such collector or other officer, and allow him to make copies of or extracts from all books of account, ledgers, day-books, cash-books, letter-books, invoice-books, or other books wherein any entry or memorandum appears respecting the purchase, importation, cost, value of or payment for the goods so seized or detained, and of or for all other goods as aforesaid. 51 V., c. 14, s. 34.

184. Whenever any suit is instituted under the provisions of this Act, or an order of the court is obtained, all invoices, accounts, books and papers relating to any imported goods to which such suit or order relates shall be produced in court, or to any person whom the court directs, and, if the same are not so produced within such time as the court prescribes, the allegations on the part of the Crown shall be deemed to be proved, and judgment shall be given as in case by default; but this provision shall not relieve the person disobeying any such order from any other penalty or punishment which he may have incurred by disobedience of any such order. 51 V., c. 14, s. 34.

INVOICES TO BE KEPT ON FILE.

185. The collectors of Customs at all ports in Canada shall retain and put on file, after duly stamping the same, all invoices of goods imported at such ports respectively.

2. The collectors shall give certified copies or extracts of any such invoices, whenever called upon so to do by the importers, and shall be entitled to demand for each certificate a fee of fifty cents before delivering the same.

3. In no case shall an invoice be shown or a copy thereof given to any person other than the importer, or an officer, except upon the order or subpoena of a court of justice. R. S., c. 32, s. 48.

OFFENCES AND PENALTIES.

Respecting entry inwards, importation and landing.

186. If any vessel enters any place other than a port of entry, unless from stress of weather or other unavoidable cause, any dutiable

goods on board thereof, except those of an innocent owner, shall be seized and forfeited, and the vessel may also be seized and the master or person in charge thereof shall incur a penalty of eight hundred dollars, if the vessel is worth eight hundred dollars or more, or a penalty not exceeding four hundred dollars, if the value of the vessel is less than eight hundred dollars, and the vessel may be detained until such penalty is paid.

2. Unless payment is made within thirty days, such vessel may, after the expiration of such delay, be sold to pay such penalty and any expense incurred in making the seizure and in the safe-keeping and sale of such vessel. 51 V., c. 14, s. 23.

187. If any goods,—

- (a) are imported into Canada at any other place than at some port or place of entry at which a Custom-house is then lawfully established; or,
- (b) being brought by land or inland navigation into a port or place of entry where a Custom-house is so established, are carried past such Custom-house, or removed from the place appointed for the examination of such goods by the collector or other proper officer at such port or place before the same have been examined by the proper officer, and all duties thereon paid and a permit given accordingly;

such goods shall be seized and forfeited, and every person concerned in such unlawful importation or removal shall incur a penalty equal to the value of such goods. R. S., c. 32, s. 114.

188. If any goods are unladen from any vessel or vehicle or put out of the custody of the master or person in charge of the same, before report is made as required by this Act, or if such master or person fails to make such report, or to produce such goods, or makes an untrue report or does not truly answer the questions demanded of him, he shall for each such offence incur a penalty of four hundred dollars; and the vessel or vehicle and the animals drawing the same shall be detained until such amount is paid; and, unless payment is made within thirty days, such vessel or vehicle and any animals drawing the same may, after the expiration of such delay, be sold to pay such penalty and any expenses incurred in detaining and selling such vessel.

2. If any such goods are not so reported and produced, or if the marks and numbers or other description of any package do not agree with the report made, such goods or packages shall be seized and forfeited. R. S., c. 32, s. 28; 51 V., c. 14, ss. 8 and 36.

189. All goods unladen or landed before due entry thereof and warrant for landing, or otherwise contrary to this Act, shall be seized and forfeited, and every person concerned in landing or receiving or concealing goods so landed, shall, for each offence, incur a penalty of four hundred dollars. R. S., c. 32, ss. 21 and 194.

190. If after the master of any vessel has made his report inwards, any goods are found on board of such vessel or landed therefrom which have not been reported, such goods shall be seized and forfeited, unless it appears that there was no fraudulent intention, in which case, the master shall be allowed to amend his report. R. S., c. 32, s. 29.

191. If bulk is broken contrary to this Act, the master shall forfeit two hundred dollars and the vessel may be detained until the said

sum is paid or satisfactory security is given for the payment thereof, and, unless payment is made or security is given within thirty days, such vessel may at the expiration thereof be sold to pay the said sum.

R. S., c. 32, s. 21.

665 192. If any goods are imported into Canada in any vehicle, other than a railway carriage, or upon the person, between sunset and sunrise on any day or at any time on a Sunday or a statutory holiday, except under a written permit from a collector of Customs, and under the supervision of an officer, such goods and the vehicle in which the same are imported, together with the fittings, furnishings and appurtenances, and the animals and the harness or tackle appertaining thereto shall be forfeited, and may be seized and dealt with accordingly.

2. If the articles so forfeited or any of them are not found, the owner at the time of importation, and the importer, and every other person who has been in any way connected with the unlawful importation of such articles, shall forfeit a sum equal to the value of the articles, and shall be further liable on summary conviction before two justices of the peace, to a penalty not exceeding two hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding one year and not less than one month, or to both. 52 V., c. 14, s. 3.

193. (a) Any vehicle containing goods, other than a railway carriage, arriving by land at any place in Canada, whether any duty is payable on such goods or not; and
 (b) Any such vehicle on arriving, if the vehicle or its fittings, furnishings or appurtenances, or the animals drawing the same, or their harness or tackle, is or are liable to duty; and
 (c) Any goods brought into Canada in the charge or custody of any person arriving in Canada on foot or otherwise; shall be forfeited and may be seized and dealt with accordingly, if before unloading or in any manner disposing of any such vehicle or goods, the person in charge thereof does not,—

(a) come to the Custom-house nearest to the point at which he crossed the frontier line, or to the station of the officer nearest to such point, if such station is nearer thereto than any Custom-house, and there make a report in writing to the collector or proper officer of Customs, stating the contents of each and every package and parcel of such goods and the quantities and values of the same; and,
 (b) then truly answer all such questions respecting such goods or packages, and the vehicle, fittings, furnishings and appurtenances appertaining thereto, as the said collector or proper officer of Customs requires of him; and,
 (c) then and there make due entry of the same in accordance with the law in that behalf.

2. If the articles so forfeited or any of them are not found, the owner at the time of importation and the importer, and every other person who has been in any way connected with the unlawful importation of such articles shall forfeit a sum equal to the value of the articles; and shall be further liable, on summary conviction before two justices of the peace, to a penalty not exceeding two hundred dollars and not less than fifty dollars, or to imprisonment for

a term not exceeding one year and not less than one month, or to both.
52 V., c. 14, s. 3.

194. The conductor of any train carrying freight arriving at any port in Canada, from any foreign port or place shall incur a penalty of four hundred dollars if, without the written permission of the collector or proper officer of Customs, any goods are unladen from such train before such conductor shall have made his report thereof, as by this Act required, or if he fails to make such report, or makes an untrue report, or does not truly answer any questions put to him respecting the same. R. S., c. 32, s. 32.

195. If any goods are unlawfully imported on any railway, they shall be seized and forfeited, and the car in which such goods were so imported shall be seized and detached from the train and forfeited.

2. Every conductor, baggage-master, or officer or servant employed on any railway, and every officer or servant employed by any express company, who is privy to or aids or abets in such unlawful importation, shall, upon summary conviction, be liable to a penalty not exceeding two hundred dollars, and not less than fifty dollars, or to imprisonment for a term not exceeding twelve months, and not less than three months, or to both. R. S., c. 32, s. 118.

196. All vessels, with the guns, tackle, apparel and furniture thereof, and all vehicles, harness, tackle, horses and cattle made use of in the importation or unshipping or landing or removal of any goods liable to forfeiture under this Act, shall be seized and forfeited.

2. Every person who assists or is otherwise concerned in the importing, unshipping, landing or removing, or in the harbouring of such goods, or into whose hands or possession the same knowingly come, shall incur a penalty of two hundred dollars or a penalty equal to treble the value of such goods, at the election of the person who sues for the same.

3. The averment in any information, petition or pleading for the recovery of such penalty that such person has elected to sue for the sum mentioned in the information, petition or pleading, shall be sufficient proof of such election, without any other evidence of the fact. R. S., c. 32, s. 196.

197. Every person who, by any means, procures, hires, or induces any person or persons to be concerned in the landing, unshipping, carrying or conveying of any goods the importation of which is prohibited, or for the landing of which permission has not been granted by the collector or other proper officer of Customs, shall, for every person so procured, hired or induced, incur a penalty of one hundred dollars. R. S., c. 32, s. 200.

198. If any goods are unlawfully imported on the person or as baggage, or among the baggage of any one arriving in Canada, on foot or otherwise, such goods shall be seized and forfeited. 51 V., c. 14, s. 23.

199. Any goods taken or delivered out of any vessel by virtue of,—
(a) any entry or warrant not corresponding, as to the particulars of the goods and packages stated therein, with the particulars of the goods and packages purporting to be the same in the report of the vessel or other report, where any is required to be made, by which the importation or entry of such goods is authorized; or,

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(b) any entry or warrant not properly describing the goods; shall be deemed to be goods landed without due entry thereof and shall be seized and forfeited. R. S., c. 32, s. 119.

200. If any goods entered or attempted to be passed through the Customs are found which do not correspond with the goods described in the invoice or entry, such goods may be seized and forfeited. R. S., c. 32, ss. 123 and 161.

201. If, in any package, any goods are inclosed which are not mentioned in the invoice or entry of such package, such goods, if found, shall be seized and forfeited.

2. If such goods are not found but the value thereof has been ascertained, the owner, importer or other person who has made entry or caused to be made entry of such package, and who neglects on receipt of such package to immediately make report and entry of such inclosure, shall forfeit the value thereof. 52 V., c. 14, s. 11.

202. If, upon the examination authorized by this Act at any port of the contents of any package intended for importation into another port or for exportation, any prohibited goods are found therein, all the goods in such package shall be seized and forfeited. R. S., c. 32, s. 30.

203. If any medicinal preparation, whether chemical or not, which is usually imported with the name of the manufacturer, does not when imported have the true name of such manufacturer and the place where such preparation is prepared and the word *Alcoholic*, if the preparation contains alcohol, or *Non-alcoholic*, if it does not contain alcohol, permanently and legibly affixed to each parcel by stamp, label or otherwise, all parcels thereof not so stamped, labelled or otherwise marked may be forfeited and seized by any officer. 60-61 V., c. 16, s. 12.

204. Every person who has in his possession, in port or on land, any goods derelict, flotsam, jetsam or wreck, and which are dutiable, and does not give notice thereof to the nearest officer of Customs without unnecessary delay, or does not, on demand, pay the duties thereon or deliver the same to the proper officer, shall incur a penalty of two hundred dollars, in addition to all other liabilities and penalties incurred by him, and the goods shall be seized and forfeited. R. S., c. 32, s. 217.

205. Every person who removes or alters in quantity or quality any goods derelict, flotsam, jetsam or wreck, or unnecessarily opens or alters any package thereof, before such goods are deposited in a warehouse under the custody of the Customs officers, shall, in addition to all other liabilities and penalties incurred by him, incur a penalty of two hundred dollars. R. S., c. 32, s. 217.

206. If any person,—

- (a) smuggles or clandestinely introduces into Canada any goods subject to duty; or,
- (b) makes out or passes or attempts to pass through the Custom-house, any false, forged or fraudulent invoice, of any goods; or,
- (c) in any way attempts to defraud the revenue by evading the payment of the duty or any part of the duty on any goods; such goods, if found, may be seized and forfeited, or, if not found,

but the value thereof has been ascertained, the person so offending shall forfeit the value thereof as so ascertained.

2. Every such person shall, in addition to any other penalty to which he is subject for any such offence,—

- (a) forfeit a sum equal to the value of such goods, which sum may be recovered in any court of competent jurisdiction; and,
- (b) further be liable on summary conviction before two justices of the peace to a penalty not exceeding two hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding one year and not less than one month, or to both fine and imprisonment. R. S., c. 32, ss. 123 and 203; 51 V., c. 14, s. 35.

207. Any person who, without lawful excuse, the proofs of which shall be on the person accused, sends or brings into Canada, or who, being in Canada, has in his possession, any bill-heading, or other paper appearing to be a heading or blank, capable of being filled up and used as an invoice, and bearing any certificate purporting to show, or which may be used to show, that the invoice which may be made from such bill-heading or blank is correct or authentic, is guilty of an indictable offence, and liable to a penalty of five hundred dollars, and to imprisonment for a term not exceeding twelve months, in the discretion of the court. 60-61 V., c. 16, s. 14.

208. If any person makes or sends or brings into Canada, or causes or authorizes the making, sending or bringing into Canada of any invoice or paper used or intended to be used as an invoice for Customs purposes, in which any goods are entered or charged at a less price or value than that actually charged or intended to be charged for them, or in which the goods are falsely described, no sum of money shall be recoverable by such person, his representatives or assigns, for the price of such goods or any part thereof, nor shall any sum of money be recoverable upon any bill of exchange, note, or other security made, given or executed for the price of such goods, or any part of such price, unless such bill of exchange, note or other security is in the hands of an innocent holder for value without notice. 51 V., c. 14, s. 39.

209. If, in any declaration by the owner, consignee or importer of any goods, or his attorney or agent, attached to the bill of entry under the authority of this Act, there is contained any wilfully false statement, the goods shall be liable to seizure and forfeiture in the same manner and with the same effect as if such false statement were contained in the oath connected with the entry, and the person making such false statement shall be subject to the same penalties, forfeitures and punishments as if he had himself taken the oath, and had made such false statement therein. R. S., c. 32, s. 47.

Smuggling.

210. If, upon examination by any officer of Customs of the cargo of any vessel found hovering in British waters within one league of the coasts or shores of Canada, any goods the importation of 667 which into Canada is prohibited are found on board, such vessel with her apparel, rigging, tackle, furniture, stores and cargo shall be seized and forfeited, and, if the master or person in charge refuses to comply with the lawful directions of such officer, or does not

truly answer such questions as are put to him respecting such ship or vessel or her cargo, he shall incur a penalty of four hundred dollars. R. S., c. 32, s. 113.

211. If, upon search by any officer of Customs under the authority of this Act, any prohibited or smuggled goods, or goods respecting which there has been any violation of any of the requirements of this Act, are found in any vessel or vehicle of any description whatsoever, whether arriving from places beyond or within the limits of Canada, such goods, and the vessel or vehicle in which the same are found, together with all the sails, rigging, tackle, apparel, horses, harness and all other appurtenances which belong to or are attached to such vessel or vehicle shall be seized and forfeited. R. S., c. 32, s. 134.

212. If, within the limits of Canada, any person deposits, places or carries, or causes to be deposited, placed or carried in, through or into any building upon the boundary line between Canada and any foreign country, or the premises connected therewith, any dutiable goods without payment of duty, or contrary to the provisions of this Act or of any Customs laws or regulations, such person shall incur a penalty not exceeding one thousand dollars, and not less than two hundred dollars. R. S., c. 32, s. 138.

213. If, upon search under the authority of this Act by any collector or officer of Customs of any building upon the boundary line between Canada and any foreign country, or the premises belonging thereto, any dutiable goods are found, deposited or placed therein or thereon, within the limits of Canada, without payment of duties, and in violation of law, the same shall be seized and forfeited. R. S., c. 32, s. 138.

214. If, upon search of any vessel by any officer of Customs, any goods are found concealed on board, they shall be seized and forfeited, and if any mark, lock or seal upon any goods on board is wilfully altered, opened or broken before the delivery of the goods, or if any goods are secretly conveyed away, or if any hatchway fastened down by the officer is opened by the master or with his assent, the master shall incur a penalty of four hundred dollars, and the vessel may be detained until the said penalty is paid or satisfactory security is given for the payment thereof; and, unless payment is made within thirty days, such vessel may, after the expiration of such delay, be sold to pay such penalty and any expenses incurred in detaining, keeping and selling the same. 51 V., c. 14, s. 27.

215. If any two or more persons in company are found together, and they or any of them have any goods liable to forfeiture under this Act, every such person having knowledge of the fact is guilty of an indictable offence, and punishable accordingly. R. S., c. 32, s. 198.

216. Every person who is proved to have been on board any vessel or boat liable to forfeiture for having been found within one league of the coasts or shores of Canada, having on board or attached thereto, or conveying or having conveyed anything subjecting such vessel or boat to forfeiture, or who is proved to have been on board any vessel or boat from which any part of the cargo has been thrown overboard or destroyed, or in which any goods have been unlawfully brought into Canada, shall incur a penalty of one hundred dollars, if he has been knowingly concerned in any of such acts. R. S., c. 32, s. 199.

217. Every one who obstructs or offers resistance to any search of the person, authorized to be made by this Act, or assists in so doing, shall incur a penalty of one hundred dollars. R. S., c. 32, s. 135.

218. If any person who is on board or who has landed from or got out of any vessel, boat or vehicle within any port in Canada, or entering Canada by land or inland navigation, or who has entered Canada from a foreign country in any manner or way, upon being questioned by any officer of Customs as to whether he has any goods subject to entry at the Customs or prohibited goods secreted about his person, denies having any such goods, or does not produce such as he has, and if any such goods are found upon him on being searched, the goods shall be seized, and he shall forfeit treble the value thereof. R. S., c. 32, s. 135.

219. If any person knowingly harbours, keeps, conceals, purchases, sells or exchanges any goods unlawfully imported into Canada, whether such goods are dutiable or not, or whereon the duties lawfully payable have not been paid, such goods, if found, shall be forfeited and may be seized, and, if such goods are not found, the person so offending shall forfeit the value thereof.

2. Every such person shall, in addition to any other penalty, forfeit a sum equal to the value of such goods, which may be recovered in any court of competent jurisdiction, and shall further be liable, on summary conviction before two justices of the peace, to a penalty not exceeding two hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding one year and not less than one month, or to both fine and imprisonment. 51 V., c. 14, s. 38.

220. Every person who wilfully alters, defaces or obliterates any mark placed by any officer of Customs on any package of warehoused goods, or goods in transit, shall, for every such offence, incur a penalty of five hundred dollars. R. S., c. 32, s. 208.

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Respecting non-payment of Duty.

235. If any goods imported or taken out of warehouse for the use of His Majesty's troops, or for any purpose for which such goods may be imported free of duty, are sold after importation, and if the duties to which such goods are consequently liable and charged thereon are not paid, such goods shall be forfeited and may be seized and dealt with accordingly. R. S., c. 32, s. 160.

236. Every animal or vehicle and goods of any kind brought into Canada by any traveller, and which have been exempted from duty under regulation of the Minister or otherwise, may, if sold or offered for sale in Canada without payment of the duties thereon, be seized and forfeited, together with the harness or tackle employed therewith or in the conveyance thereof. 51 V., c. 14, s. 47.

Respecting Entry Outwards and Exportation.

237. If any goods have been entered outwards to be exported from a Customs warehouse, either by sea or by land, or by inland navigation, as the case may be, the person entering the same for such purpose shall incur a penalty equal to double the duties of importation

on such goods in case of non-performance of the obligation so incurred to export, land or deliver and produce satisfactory proof thereof as in this Act provided. 51 V., c. 14, s. 22.

238. If any such goods are not exported, landed or delivered or otherwise lawfully disposed of, or if they are fraudulently re-landed in or brought into Canada, in violation of the Customs law or regulations, such goods shall be seized and forfeited, together with any vessel or vehicle from or in which they have been so landed or brought into Canada, or in which they may be found; and the person entering the same for exportation shall, in any such case, and whether such goods are seized or not, be liable for the payment of such penalty of double duty as in the last preceding section mentioned, in addition to any other penalties or forfeitures to which, for any of the causes aforesaid, he may be liable under this Act. 51 V., c. 14, s. 22.

239. If any railway car or other vehicle, upon which are laden any goods consigned to a port or place out of Canada, to be transported by railway or other land conveyance, is taken out of the limits of the port at which the entry for exportation ought to be made, before entry for exportation is duly made, or before the export duty, if such goods are liable for any, is paid, or otherwise, contrary to the provisions of this Act, the Company or person so taking the same shall incur a penalty not exceeding four hundred dollars. R. S., c. 32, s. 106.

240. Every person who makes any entry outwards of goods from warehouse for exportation, and who is not the owner or duly authorized by the owner thereof, or the master of the vessel by which they are to be shipped, shall incur a penalty of two hundred dollars. R. S., c. 32, s. 209.

241. The owner, shipper, or consigner of any goods shipped at any port or place in Canada on board any vessel bound to any port or place out of Canada, or to be transported by railway or other land conveyance from any port or place in Canada to any port or place out of Canada, who refuses or neglects to make report and entry of the articles shipped or laden by him, as required by this Act, shall incur a penalty not exceeding two hundred dollars for each such offence. R. S., c. 32, s. 107.

242. If any goods, the exportation or carrying coastwise or by inland navigation of which is prohibited by this Act or by the Governor in Council under the authority of this Act, are exported, carried coastwise or by inland navigation, or water borne, or laden in any railway carriage, or other vehicle for the purpose of being so exported or carried, they shall be seized and forfeited. R. S., c. 32, ss. 111 and 250.

243. The importer of any goods imported into Canada and entered for exportation shall be liable to a penalty equal to double the amount of the duty to which such goods are at the time subject, if, with respect to the entry or exportation of such goods, or otherwise in respect to the same, he contravenes any provision of this Act, or of any rule or regulation lawfully made thereunder. 51 V., c. 14, s. 17.

244. The importer of any goods entered at any frontier Customs port and passing on to any Customs port in any other part of Canada, or in transit through Canada by way of any Customs port of

exit in Canada, shall incur a penalty equal to double the amount of the duty to which such goods are at the time subject, if, with respect to the entry, or passing on or transit of such goods through Canada, he contravenes any provision of this Act, or of any of the rules or regulations lawfully made thereunder. 51 V., c. 14, s. 17.

245. The penalties of double duty mentioned in each of the two last preceding sections shall be additional to any other penalties or forfeitures provided by this Act for or in respect of the causes or matters or any of them in the said sections mentioned, and the goods may in each case be detained until such penalty of double duty is paid, and if such goods have passed out of the possession of the Customs, they may be seized wheresoever and in whosoever possession found.

2. The claim of the Customs for such penalties of double duty shall have precedence over the claims of all persons upon the said goods of whatever nature, and may be enforced by sale or other proceedings. 51 V., c. 14, s. 17.

246. If any vessel departs from any port or place in Canada without a clearance, or if the master delivers a false content, or does not truly answer the questions demanded of him, or if, having received a clearance, such vessel adds to her cargo, or takes another vessel in tow, or performs any work without having mentioned in the report outwards the intention so to do, the master shall incur a penalty of four hundred dollars; and the vessel shall be detained in any port in Canada until the said penalty is paid.

2. Unless payment is made within thirty days, such vessel may, after the expiration of such delay, be sold to pay such penalty and any expenses incurred in detaining, keeping and selling such vessel. R. S., c. 32, s. 99; 51 V., c. 14, s. 21.

Contravention of Regulations.

247. All goods shipped or unshipped, imported or exported, carried or conveyed, contrary to any regulation made by the Governor in Council, and all goods or vehicles and all vessels under the value of four hundred dollars, with regard to which the requirements of any such regulation have not been complied with, shall be forfeited and may be seized. 51 V., c. 14, s. 37.

669 248. If, with regard to any vessel of the value of four hundred dollars or upwards, the requirements of any such regulation have not been complied with, the master thereof shall, by such non-compliance, incur a penalty of four hundred dollars, and the vessel may be detained until the said penalty is paid; and, unless payment is made within thirty days, such vessel may, after the expiration of such delay, be sold to pay such penalty and any expenses incurred in making the seizure and keeping and selling such vessel. 51 V., c. 14, s. 37.

Respecting Officers.

249. If any officer requires any person to be searched without reasonable cause, such officer shall incur a penalty not exceeding forty dollars. R. S., c. 32, s. 136.

250. Every police or peace officer, who has detained any goods, property or vehicle subject or liable to forfeiture, and who neglects to

convey the same to the Custom-house, or to give notice of having stopped the same as by this Act prescribed, shall be liable, on summary conviction, to a penalty of one hundred dollars, and, in default of payment, to imprisonment for a term not exceeding thirty days. R. S., c. 32, s. 219.

251. Every collector or other officer who allows the payment of duties of Customs to be avoided or deferred for any cause or consideration whatsoever, except by regular entry for warehouse, shall be liable to a penalty equal to the full value of such goods, and the duty accruing thereon, which shall be recoverable in any court of competent jurisdiction, from him or his sureties, or either of them.

2. Any goods on which payment of duty has been so avoided or deferred shall be liable to seizure and be dealt with as goods unlawfully imported into Canada. R. S., c. 32, s. 220.

252. Every officer of the Customs, and every person employed, with the concurrence of the Minister, for the prevention of smuggling, who makes any collusive seizure, or delivers up, or makes any agreement to deliver up, or not to seize any vessel, boat, carriage, goods or thing liable to forfeiture under this Act, or who takes or accepts a promise of any bribe, gratuity, recompense or reward for the neglect or non-performance of his duty, is guilty of an indictable offence, and liable for every such offence to a fine of five hundred dollars, and to imprisonment for a term not exceeding two years and not less than three months, and shall be incapable of serving His Majesty in any office whatsoever.

2. Every person who gives, offers or promises to give, or procures to be given, any bribe, recompense or reward to, or make any collusive agreement with any such officer or person as aforesaid, to induce him in any way to neglect his duty, or to conceal or connive at any act whereby the provisions of this Act, or any law relating to the Customs, trade or navigation, may be evaded, is guilty of an indictable offence and liable for every such offence to a fine of five hundred dollars, and to imprisonment for a term not exceeding two years and not less than three months. R. S., c. 32, s. 221.

False Entry.

253. If any entry passed at any Custom-house is false in any particular to the knowledge of any person connected with the making thereof, all the packages and goods included or pretended to be included, or which ought to have been included in such entry, shall be forfeited. 51 V., c. 14, s. 40.

Falsification of Documents.

254. Every person who forges, counterfeits, falsifies, or uses when so forged, counterfeited or falsified, any paper or document required under this Act, or for any purpose therein mentioned, whether written, printed or otherwise, or by any false statement procures such document, knowing the same to be forged, counterfeited or falsified, or forges, counterfeits or falsifies any certificate relating to any oath or declaration of affirmation by this Act required or authorized, is guilty of an indictable offence. R. S., c. 32, s. 211.

Refusal to answer Questions.

255. Any person required by this Act, or by any other law, to answer questions put to him by any officer of the Customs, who refuses to answer, or does not truly answer such questions, shall, in addition to any other penalty or punishment to which he is liable, incur a penalty of four hundred dollars. R. S., c. 32, s. 216.

Respecting maintenance of Officer on board Ship.

256. If the collector or other proper officer of Customs stations any officer on board any ship while within the limits of a port, and if the master of such ship refuses or neglects to provide such officer while he so remains upon the ship with suitable accommodations and food, such master shall incur a penalty of two hundred dollars. R. S., c. 32, s. 140.

Respecting the production of Invoices, Books of Account, etc.

257. If information has been given under oath to any officer that goods or things have been unlawfully imported or entered, or if any goods have been seized or detained under any of the provisions of this Act, or of any law relating to the Customs, and if the importer or exporter of such goods, or the owner or claimant thereof, 670 upon being required under the provisions of this Act to produce and hand over to the collector or other proper officer of Customs any invoices, bills, accounts or statements, or to produce for inspection of such collector or other officer any books of account, ledgers, day books, cash books, letter books, invoice books or other books, or to allow copies or extracts to be made therefrom, neglects or refuses to do so, he shall incur a penalty not exceeding five thousand dollars. 51 V., c. 14, s. 34.

Taking away Goods under seizure.

258. Every person who, without the permission of the officer or person who seized the same or of some competent authority, whether pretending to be the owner or not, either secretly or openly, and whether with or without force or violence, takes or carries away any goods, vessel, vehicle or other thing which have been seized or detained on suspicion, as forfeited under this Act, before the same have been declared by competent authority to have been seized without due cause, shall be deemed to have stolen such goods, being the property of His Majesty, and is guilty of theft. R. S., c. 32, s. 212.

Respecting the stopping of Vessels.

259. Every master or person in charge of any vessel, and every driver or person conducting or having charge of any vehicle or conveyance, who refuses or neglects to stop such vessel, vehicle or conveyance, when required so to do, in the King's name, by an officer or person employed as such, and every person who is present at any such seizure or stoppage, and who, when called upon in the King's name by such officer or person to aid and assist him in a lawful way,

refuses or neglects so to do, shall be liable, on summary conviction before two justices of the peace, to a penalty of two hundred dollars, and, in default of payment to imprisonment for a term not exceeding six months. R. S., c. 32, s. 214.

Offering Goods for sale as prohibited or smuggled.

260. If any person offers for sale any goods under pretence that the same are prohibited, or have been unshipped and run on shore, or brought in, by land or otherwise, without payment of duties, all such goods, although not liable to any duties or prohibited, shall be seized and forfeited.

2. Every person who offers for sale any goods under any such pretence shall be liable, on summary conviction before two justices of the peace, to a penalty of two hundred dollars, or to a penalty equal to treble the value of such goods, at the election of the prosecutor, and, in default of payment, to imprisonment for a term not exceeding sixty days. R. S., c. 32, s. 215.

EVIDENCE,—BURDEN OF PROOF.

261. Copies of invoices or extracts from invoices, duly certified by the collector or other proper officer, bearing the stamp of the Custom-house at which such invoices are filed, shall be considered and received as *prima facie* evidence of the contents thereof. R. S., c. 32, s. 48.

262. Certificates and copies of official papers, certified under the hand and seal of any of the principal officers of the Customs in the United Kingdom, or of any collector of colonial revenue in any of the British possessions, or of any British consul or vice-consul in a foreign country, and certificates and copies of official papers made pursuant to this Act or any Act in force in Canada relating to the Customs or revenue, shall be received as *prima facie* evidence. R. S., c. 32, s. 156.

263. The production or proof of the existence of any invoice, account, document or paper made or sent by any person or by his authority, wherein the goods or any of them are charged or entered at or mentioned as bearing a greater price than that set upon them in any other invoice, account, document or paper intended to cover the same goods or any part thereof, made or sent by the same person or by his authority, or in which the goods or any of them are given a different name or description from that stated in any other such invoice, account, document or paper, or in which the goods are falsely described, shall be *prima facie* evidence that the invoice, account, document or paper wherein is stated a lesser price, or the false or incorrect name or description of the goods, was intended to be fraudulently used for Customs purposes; but such intention or the actual fraudulent use of such invoice, account, document or paper may be proved by any other legal evidence. 51 V., c. 14, s. 39.

264. The burden of proof that the proper duties payable with respect to any goods have been paid, and that all the requirements of this Act with regard to the entry of any goods have been complied with and fulfilled shall, in all cases, lie upon the person whose duty it was to comply with and fulfil the same; and, without restrict-

ing the generality of the foregoing provision, if any prosecution or suit is brought for any penalty or forfeiture for the recovery of any duty under this Act, or any other law relating to the Customs, or to trade or navigation, or if any proceeding is taken against the Crown or any officer for the recovery of any goods seized or money deposited under the authority of this Act, or any other such law, and if any question arises as to the identity or origin of the goods seized, or as to the payment of the duties on any goods, or as to the lawful importation thereof, or as to the lawful lading or exportation of the same, or as to the doing or omission of any other thing by which such penalty or forfeiture or liability for duty would be incurred or avoided, the burden of proof shall lie on the owner or claimant of the goods seized or money deposited, and not on the Crown or on the party representing the Crown. R. S., c. 32, s. 167; 51 V., c. 14, s. 43; 52 V., c. 14, s. 13.

PROCEDURE.

265. All penalties and forfeitures incurred under this Act, or any other law relating to the Customs or to trade or navigation, may, in addition to any other remedy provided by this Act or by 671 law, and even if it is provided that the offender shall be or become liable to any such penalty or forfeiture upon summary conviction, be prosecuted, sued for and recovered with full costs of suit, in the Exchequer Court of Canada, or in any superior court having jurisdiction in that province of Canada where the cause of prosecution arises, or wherein the defendant is served with process.

2. If the amount of any such penalty or forfeiture does not exceed two hundred dollars, the same may also be prosecuted, sued for and recovered in any court having jurisdiction to that amount in the place where the cause of prosecution arises, or where the defendant is served with process. 51 V., c. 14, s. 41.

266. All penalties and forfeitures imposed by this Act, or by any other Act relating to the Customs or to trade or navigation shall, unless other provisions are made for the recovery thereof, be sued for, prosecuted and recovered with costs by His Majesty's Attorney General of Canada, or in the name or names of the Commissioner of Customs, or any officer or officers of the Customs, or other person or persons thereunto authorized by the Governor in Council, either expressly or by general regulation or order, and by no other person. R. S., c. 32, s. 223.

267. All penalties and forfeitures imposed by this Act, or by any other law relating to the Customs or to trade or navigation may, in the province of Quebec, be sued for, prosecuted and recovered with full costs of suit by the same proceedings as any other money due to the Crown, and all suits or prosecutions for the recovery thereof shall, in that province, be heard and determined in like manner as other suits or prosecutions in the same court for moneys due to the Crown, except that in the Circuit Court the same shall be heard and determined in a summary manner; but nothing in this section shall affect any provisions of this Act, except such only as relate to the form of proceeding and of trial in such suits or prosecutions as aforesaid. R. S., c. 32, s. 224.

268. Every prosecution or suit in the Exchequer Court of Canada, or in any superior court or circuit court or court of competent juris-

diction, for the recovery or enforcement of any penalty or forfeiture imposed by this Act, or by any other law relating to the Customs or to trade or navigation, may be commenced, prosecuted and proceeded within accordance with any rules of practice, general or special, established by the court for Crown suits in revenue matters, or in accordance with the usual practice and procedure of the court in civil cases, in so far as such practice and procedure are applicable, and, whenever the same are not applicable, then in accordance with the directions of the court or a judge. R. S., c. 32, s. 225.

269. The venue in any such prosecution or suit may be laid in any county in the province notwithstanding that the cause of prosecution or suit did not arise in such county. R. S., c. 32, s. 226.

270. Any judge of the court in which any prosecution or suit is brought for the recovery or enforcement of any penalty or forfeiture as aforesaid may, upon being satisfied by affidavit that there is reason to believe that the defendant will leave the province without satisfying such penalty or forfeiture, issue a warrant under his hand and seal for the arrest and detention of the defendant in the common gaol of the county, district or place until he has given security, before and to the satisfaction of such judge or some other judge of the same court, for the payment of such penalty with costs, in case judgment is given against him. R. S., c. 32, s. 227.

271. In any declaration, information, statement of claim or proceeding in any such prosecution or suit, it shall be sufficient to state the penalty or forfeiture incurred, and the Act and section of the Act, or the rule or regulation under which it is alleged to have been incurred, without further particulars; and the averment that the person seizing or suing was and is an officer of Customs, shall be sufficient *prima facie* evidence of the fact alleged. 51 V., c. 14, s. 42.

272. In every prosecution, information, suit or proceeding brought under this Act for any penalty or to declare or enforce any forfeiture, or upon any bond given under it, or in any matter relating to the Customs or to trade or navigation, His Majesty, or those who sue for such penalty or forfeiture, or upon such bond, shall, if they recover the same, be entitled also to recover full costs of suit.

2. All such penalties and costs, if not paid, may be levied on the goods and chattels, lands and tenements of the defendant, in the same manner as sums recovered by judgment of the court in which the prosecution is brought may be levied by execution; or payment thereof may be enforced by *capias ad satisfaciendum* against the person of the defendant under the same conditions and in like manner. R. S., c. 32, s. 229.

273. If, in any case, the Attorney General of Canada is satisfied that the penalty or forfeiture was incurred without intended fraud, he may enter a *nolle prosequi* on such terms as he sees fit, which shall be binding on all parties; and the entry of such *nolle prosequi* shall be reported to the Minister with the reasons therefor. R. S., c. 32, s. 230.

274. In any prosecution, suit or other proceeding for the recovery of any penalty or in respect of any forfeiture as aforesaid, or for an offence against this Act or any other law relating to the Customs, or to trade or navigation, the averment that the cause of prosecution or suit arose, or that such offence was committed within the limits

of any district, county, port or place, shall be sufficient evidence of the fact without proof of such limits, unless the contrary is proved. R. S., c. 32, s. 231.

275. If, in any information, action, prosecution or other proceeding respecting any seizure made under this Act, or any law relating to the Customs, it is adjudged that any goods or property seized by or under the authority of any officer has been so seized unlawfully, or that the seizure cannot be justified, and, if the judge before whom the said information, action, prosecution or other proceeding is heard or tried certifies that there was probable cause for the seizure, the claimant shall not be entitled to any costs of suit, and the person who made or authorized such seizure shall not be liable to any action, suit, indictment or prosecution on account of such seizure. R. S., c. 32, s. 232.

276. If any action, suit, indictment, prosecution or other proceeding is brought against any person on account of his making or being concerned in the making of any such seizure as in the last preceding section mentioned, and if the judge before whom such action, 672 suit, indictment, prosecution or other proceeding is heard or tried, certifies that there was probable cause for the seizure, the plaintiff or prosecutor shall not be entitled to more than twenty cents damages, or to any costs; and the defendant in any such indictment, prosecution or other proceeding, shall not be subject to any penalty beyond a fine of ten cents. R. S., c. 32, s. 232.

277. Every person who desires to claim any thing seized after proceedings for condemnation thereof have been commenced shall file his claim in the office of the clerk, registrar or prothonotary of the court.

2. Such claim shall state the name, residence and occupation or calling of the person making it, and shall be accompanied by an affidavit of the claimant or his agent having a knowledge of the facts, setting forth the nature of the claimant's title to the thing seized. R. S., c. 32, s. 238.

278. Before any such claim can be filed, the claimant shall give security, to the satisfaction of the court or a judge thereof, by bond in a penal sum of not less than two hundred dollars, or by a deposit of money not less than that sum, for the payment of the costs of the proceedings for condemnation. R. S., c. 32, s. 239.

279. All seizures, prosecutions or suits for the recovery or enforcement at any time within three years after the offence was committed, or any other law relating to the Customs, may be made or commenced at any time within three years after the offence was committed, or the cause of prosecution or suit arose, but not afterwards. 51 V., c. 14, s. 45.

280. Whenever, under any provision of this Act, any penalty may be recovered or any forfeiture may be enforced by action, suit or proceeding, the seizure by an officer of Customs, or person acting in his aid, of the goods in respect of which the penalty has been incurred or the forfeiture has accrued, shall be deemed to be a commencement of such action, suit or proceeding. 51 V., c. 14, s. 44.

281. An appeal shall lie from a conviction by any magistrate, judge, justice or justices of the peace under this Act, in the manner provided by the Criminal Code, from convictions in cases of summary conviction, in that province in which the conviction was had,

on the appellant furnishing security by bond or recognizance with two sureties to the satisfaction of such magistrate, judge, justice or justices of the peace, to abide the event of such appeal. R. S., c. 32, s. 241.

282. An appeal shall also lie from the Exchequer Court of Canada, the superior courts and county courts respectively, in cases where the amount of the penalty or forfeiture is such that if a judgment for a like amount was given in any civil case, an appeal would lie; and such appeal shall be allowed and prosecuted on like conditions, and subject to like provisions as other appeals from the same court in matters of like amount.

2. An appeal shall lie from the Circuit Court to the Court of King's Bench in the Province of Quebec, to be allowed and prosecuted in like manner and on like conditions as appeals from the Superior Court in that province. R. S., c. 32, s. 242.

283. If the appeal is brought by His Majesty's Attorney General, or a collector or officer, it shall not be necessary for him to give any security on such appeal. R. S., c. 32, c. 243.

284. In any case in which proceedings have been instituted in any court against any vessel, vehicle, goods or thing, for the recovery or enforcement of any penalty or forfeiture under this Act, or any law relating to the Customs, trade or navigation, the execution of any decision or judgment for restoring the thing to the claimant thereof, shall not be suspended by reason of any appeal from such decision or judgment, if the claimant gives sufficient security, approved of by the court or a judge thereof, to render and deliver the thing in question or the full value thereof to the appellant, in case the decision or judgment so appealed from is reversed. R. S., c. 32, s. 244.

285. Any penalty or forfeiture incurred or imposed for contravention of any order or regulation of the Governor in Council, made pursuant to the authority of this Act, may be enforced and shall be recoverable in the same manner, and before the same court or tribunal, as if incurred or imposed for contravention of a provision of this Act. 51 V., c. 14, s. 37.

REGULATIONS.

Powers of the Governor in Council.

286. The Governor in Council may, from time to time, and in the manner hereinafter provided, in addition to the other purposes and matters in this Act mentioned, make regulations for or relating to the following purposes and matters:—

- (a) The warehousing and bonding of such cattle and swine as may be slaughtered and cured in bond, and of such wheat, maize and other grain as may be ground and packed in bond;
- (b) Regulating and declaring what allowances shall be made for tare on the gross weight of goods;
- (c) The horses, vehicles and personal baggage of travellers coming into Canada or returning thereto, or passing through any portion thereof;

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- (d) Regulating or restricting the importation of spirits, wine and malt liquors, or other goods which require to be weighed, gauged or tested for strength or quantity, and limiting or prescribing the kind and capacity of packages in which the same may be imported, and the conveyances by which, and the ports or places at which the same may be landed and entered;
 - (e) Exempting from duty any flour or meal or other produce of any wheat or grain, grown in Canada, and taken out of Canada into the United States to be ground, and brought back into Canada within two days after such wheat or grain has been so taken out to be ground; or exempting from duty any boards, planks or scantling, the produce of any logs or timber grown in and taken out of Canada into the United States to be sawn, and brought back into Canada within seven days after such logs or timber were so taken out to be sawn;
 - (f) Regulating the quantities of any such goods to be so taken out or brought in at any one time by any person, and the mode in which the claim to exemption shall be established and proved;
 - (g) Authorizing the appointment of warehouses, and regulating the security which shall be taken from warehouse keepers, the forms and conditions subject to which goods are to be warehoused, the mode of keeping goods in warehouse, and of removing goods therefrom, and the amount of warehouse rent or license fees;
 - (h) Extending either by general regulation or by special order, the time for clearing warehoused goods, and for the transport of goods in bond from one port or place to another;
 - (i) Regulating the form in which transfers of goods in warehouse or bond from one person to another shall be entered;
 - (j) Exempting goods from duty as being the growth, produce or manufacture of Newfoundland, if such exemption is provided for by any Act relating to Customs, and for regulating the mode of proving such exemption;
 - (k) Transferring to the list of goods which may be imported into Canada free of duty, any or all articles, whether natural products or products of manufactures, used as materials in Canadian manufactures; any such materials transferred to the free list by such order in council, to be free of duty of Customs for the time therein appointed for that purpose;
 - (l) Granting a drawback of the whole or part of the duty paid on articles which have been used in Canadian manufactures, or granting a certain specific sum in lieu of any such drawback;
 - (m) Reducing the duty on any or all articles, whether natural products or products of manufactures, used as materials in Canadian manufactures; any such materials specified in such regulation to be subject to such reduced duty of Customs and no other, for the time and under the conditions therein provided;
 - (n) Prescribing the manner in which the proceeds of penalties and forfeitures shall be distributed;

- (o) Authorizing the taking of such bonds and security as he deems advisable for the performance of any condition on which any remission or partial remission of duty, indulgence or permission is granted to any person, or any other condition made with such person, in any matter relating to the Customs or to trade or navigation; which bonds, and all bonds taken with the sanction of the Minister of Customs, expressed either by general regulation or by special order, shall be valid in law, and, upon breach of any of the conditions thereof, may be sued and proceeded upon in like manner as any other bond entered into under this Act, or any other law relating to the Customs;
- (p) Fixing and establishing uniform standards of purity, quality and fitness for consumption of all kinds of teas imported into Canada, and for determining the places where the duplicates of such standards shall be kept, and the conditions on which such standards shall be supplied to importers and dealers in tea, and the manner in which imported teas shall be examined and tested and their fitness for use finally decided; and all teas or goods described as tea of purity, quality and fitness for consumption inferior to such standards, shall be deemed within the prohibition of the laws relating to the Customs;
- (q) Prescribing the rule and conditions under which goods imported in bond or duty-paid, and products or manufactures of Canada, may be transported from one port or place in Canada to another port or place therein, over any territory or waters outside the limits of Canada: Provided that the goods so transported shall, upon arrival in Canada from any place beyond the limits of Canada, be treated with regard to the liability to, or exemption from, duty, as if the transportation had taken place entirely within the limits of Canada;
- (r) Regulating the number of deer and parts thereof which may be exported in any year, when shot under provincial or territorial authority in Canada, by any person not domiciled in Canada, and limiting the ports at which such deer may be exported, and for prescribing the conditions under which such exportation may be permitted;
- (s) Regulating and determining what shall be special Customs services for which charges shall be payable to His Majesty on account of the attendance of Customs officers on vessels or at wharfs, warehouses, stations, or other places, and the scale or amount of such charges and the conditions attaching to such special services; and in any such case the money received for such charges may be used for payment of the salaries or pay of Customs officers for the fiscal year in which the special Customs service is performed, notwithstanding anything in any Act;
- (t) Any other purpose for which by this Act, or any other law relating to the Customs or to trade or navigation, the Governor in Council is empowered to make orders or regulations. R. S., c. 32, s. 245; 51 V., c. 14, s. 46; 54-55 V., c. 44, s. 2; 61 V., c. 36, s. 2; 62-63 V., c. 22, s. 2; 3 E. VII., c. 14, s. 18.

287. The Governor in Council may, from time to time, and as occasion requires, make such regulations as to him seem meet, with respect to goods conveyed directly through the Canadian canals or otherwise, by land or inland navigation, or in or on railway cars, from one part of the frontier line between Canada and the United States to another, without any intention of unlading such goods in Canada; and he may cause such bonds or security to be given, or such precautions to be taken, at the expense of the owner or person in charge of such goods, whether by placing officers of the Customs on board any such vessel, railway car or carriage, or otherwise, as to him seems meet.

674 2. Upon the refusal of the owner or person in charge to comply with the regulations so made, the duty on the goods shall forthwith become payable as in case of the importation of such goods.
51 V., c. 14, s. 47.

288. The Governor in Council may, under regulations made for that purpose, allow, on the exportation of goods which have been imported into Canada, and on which a duty of Customs has been paid, a drawback equal to the duty so paid with such deduction therefrom as is provided in such regulations.

2. In cases mentioned in such regulations, and subject to such provisions as are therein made, such drawback, or a specific sum in lieu thereof, may be allowed on duty-paid goods manufactured or wrought in Canada into goods exported therefrom.

3. The period within which such drawback may be allowed, after the time when the duty was paid, shall be limited in such regulations.
R. S., c. 32, s. 247.

289. The Governor in Council may interpret, limit or extend the meaning of the conditions upon which it is provided in any Act imposing duties of Customs that any article may be imported free of duty for special purposes, or for particular objects or interests; and may make regulations for declaring or defining what cases shall come within the conditions of such Act, and to what objects or interests of an analogous nature the same shall apply and extend, and may direct the payment or non-payment of duty in any such case, or the remission thereof by way of drawback, if such duty has been paid. R. S., c. 32, s. 248.

290. The Governor in Council may make such regulations as are considered advisable, for the appointment of sufferance wharfs and warehouses, at which goods arriving by vessels in transit to other ports or confined to certain days of departure, may be landed and afterwards stored before entry, if such vessels are duly reported to the Custom-house and the collector's warrant for such landing obtained, and if such landing is effected between sunrise and sunset, on a day not being Sunday or a statutory holiday, and if the goods on being so landed, are immediately stored in some such approved sufferance warehouse; and such goods shall be thereafter dealt with by the proper officer of Customs as prescribed by law.

2. The Governor in Council may make similar regulations for the appointment of sufferance warehouses in which goods arriving by railway may be stored before entry, when such goods have been duly reported to the collector or proper officer of Customs.

3. Nothing in this section shall affect any contract, expressed or implied, between the master or owner of any such vessel, and the

owner, shipper or consignee of any such goods as aforesaid, or the rights or liability of any person under such contract. R. S., c. 32, s. 249.

291. The governor in Council may, from time to time, prohibit the exportation or the carrying coastwise or by inland navigation, of arms, ammunition and gunpowder, military and naval stores, and any articles which the Governor in Council deems capable of being converted into or made useful in increasing the quantity of military or naval stores, provisions or any sort of victual which may be used as food by man. R. S., c. 32, s. 250.

292. Any oath or declaration which the Governor in Council deems necessary to protect the revenue against fraud may, in any regulation made by him under this Act, be prescribed, and any person or officer may be authorized to administer the same; and by any such regulation, a declaration may be substituted for an oath in any case in which an oath is required by this Act. R. S., c. 32, s. 251.

293. The Governor in Council may prescribe the forms of oaths required under this Act.

2. The forms of oaths authorized by statute or by the Governor in Council, at the time of the coming into force of this Act, shall continue to be the authorized forms until altered or dispensed with by the Governor in Council. R. S., c. 32, s. 252.

294. The Governor in Council may, by regulation from time to time, appoint the ports and places of entry, warehousing and bonding for the purposes of this Act, and may, in like manner, increase or diminish the number or alter the position or limits thereof. R. S., c. 32, ss. 22 and 245.

295. The Governor in Council shall, from time to time, establish such regulations, not inconsistent with law, as are required to secure a just, faithful and impartial appraisal of all goods imported into Canada, and just and proper entries of the fair market value thereof, and of the weights, measures or other quantities thereof, as each case requires; and such regulations, whether general or special, so made by the Governor in Council, shall have the full force and authority of law. 52 V., c. 14, s. 5.

296. The Governor in Council may, from time to time, make regulations for the ex-warehousing of goods, either for consumption, removal, exportation or ship's stores, in any quantity not less than a whole package as originally warehoused, unless the goods are in bulk, and then in quantities not less than one ton in weight, except when a less weight is the balance remaining of the original entry thereof for warehouse. R. S., c. 32, s. 88.

297. The Governor in Council may, with regard to vessels engaged in the coasting trade or inland navigation, by regulation, dispense with any of the requirements of this Act as to examination of the master by the collector previously to departure, and as to clearance, which the Governor in Council deems it inexpedient to enforce. R. S., c. 32, s. 100.

298. The Governor in Council may, by regulations from time to time, require such further information with regard to the description, quantity, quality, and value of goods exported from Canada, or removed from one port to another in Canada, or in transit through Canada, to be given to the proper officer of the Customs, in the report and entry of such goods outwards or otherwise, as he deems requisite

for statistical or other purposes, whether such goods are exported, or removed or transported by sea, land or inland navigation. 52 V., c. 14, s. 10.

299. The Governor in Council may, from time to time, make regulations for declaring what shall be coasting trade or inland navigation respectively, and how the same shall be regulated in any case or class of cases, and may declare any trade or voyage on the seas, rivers, lakes or waters within or adjacent to Canada, whether to or from any place within or without Canada, or whether such seas, rivers, lakes or waters are or are not geographically, or for the purpose of other acts or laws, inland waters, to be a coasting trade or a coasting voyage within the meaning of this Act and of such regulations, and may also, from time to time, by regulation, dispense, on any condition which he sees fit to impose, with such of the requirements of this Act as he deems it inexpedient to enforce with regard to vessels engaged in any such trade or with respect to any case or class of cases. R. S., c. 32, ss. 111 and 245. 675

300. The Governor in Council may by regulation relax or dispense with the provisions of this Act touching oaths, affirmations or declarations required or authorized by this Act, with regard to goods imported by land or inland navigation, or with regard to any other class of cases designated in such regulation. 51 V., c. 14, s. 33.

301. The Governor in Council may, if he deems it expedient, make general regulations in any matter in which he may make a special order; and any such general regulation shall apply to each particular case with the intent and meaning thereof, as fully and effectually, as if the regulation provided specially for each such particular case, and as if the officers, functionaries and persons had been specially named therein. R. S., c. 32, s. 245.

302. All general regulations made by the Governor in Council under this Act, shall have effect from and after the day on which the same are published in the *Canada Gazette*, or from and after such later day as is appointed for the purpose in such regulations, and during such time as is therein expressed, or, if no time is expressed for that purpose, then until the same are revoked or altered. R. S., c. 32, s. 253.

Powers of the Minister.

303. The Minister may, from time to time, and as occasion requires, make such regulations as to him seem meet, with respect to travellers passing through a portion of Canada, or coming into it with their carriages, horses or other cattle drawing the same, and personal baggage, with the intention of forthwith returning to the United States, or, having gone to the United States from Canada, returning to Canada with such articles, and may direct under what circumstances duty shall or shall not be paid, and on what conditions it shall be remitted or returned. 51 V., c. 14, s. 47.

304. Regulations respecting the manner in which molasses and syrups shall be sampled and tested for the purpose of determining the classes to which they belong, with reference to the duty chargeable thereon, shall be made by the Minister; and the instruments and appliances necessary for such determination shall be designated by him, and supplied to such officers as are by him charged with the duty of sampling and testing such molasses and syrups.

2. The decision of any officer to whom is so assigned the testing of such articles, as to the duties to which they are subject under the tariff, shall be final and conclusive, unless, upon appeal to the Commissioner of Customs, within thirty days from the rendering of such decision, such decision is, with the approval of the Minister, changed; and the decision of the Commissioner with such approval shall be final. 60-61 V., c. 16, s. 9; 3 E. VII., c. 14, s. 15.

ANNUAL REPORT.

305. The Minister shall annually make to the Governor General, to be laid before Parliament within fifteen days after the meeting thereof, a report and statement of the transactions and affairs of the Department during the year then next preceding. R. S., c. 32, s. 254.

No. 95.—1906: *Extract from Statute of Canada; Revised Statutes, 1906, Cap. 113.*^a

An Act respecting shipping in Canada.

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PART VI.—PILOTAGE.

* * * * *

Pilotage Districts and Authorities.

* * * * *

430. The Governor in Council may, from time to time, make the payment of pilotage dues compulsory or not compulsory, within the limits of any pilotage district fixed by the Governor in Council under this Part. R. S., c. 80, s. 13.

* * * * *

Pilotage Dues.

468. The owner, the master and the recognised consignee or agent of any ship, if such recognized consignee or agent has sufficient moneys in his hands received on account of such ship, shall be liable to pay any pilotage dues made payable under this Part by or in respect of such ship. R. S., c. 80, s. 50.

469. Every recognized consignee or agent of a ship not being the owner or master of such ship may, out of any money in his hands received on account of such ship, retain the amount of pilotage dues so paid by him, together with any reasonable expenses he has incurred by reason of such payment and liability. R. S., c. 80, s. 51.

470. All pilotage dues may be recovered as a debt due to the pilot, or corporation of pilots, or pilotage of authority as the case may be, to whom the same are payable: Provided that the mode of payment

^a Act now questioned, in part, by the United States: see Appendix, pp. 4-5.

of pilotage of dues in the pilotage districts of Quebec and Montreal shall remain the same as heretofore.

2. All sums made payable to a pilot over and above the pilotage dues, shall be payable by the same persons, and recoverable in the same manner as if they were part of the pilotage dues payable to such pilot. R. S., c. 80, s. 52.

471. No Customs officer shall grant a clearance to any ship liable to pilotage dues at any port in Canada, where there is a duly constituted pilotage authority which collects the pilotage dues and at which pilotage dues are payable, until there has been produced to such Customs officer a certificate from the pilotage authority of the district or some officer or person authorized by such authority to grant the same, that all pilotage dues in respect of such ship have been paid or settled for to the satisfaction of such authority. R. S., c. 80, s. 53.

472. Whenever any difference arises between the master and the licensed pilot of any ship trading to and from any port in Canada, as to her draught of water, the pilotage authority at such port shall, upon application by either party, appoint some proper person who shall measure the ship, and settle the difference accordingly.

2. Such application shall be made, in case of a ship inward bound, either within twelve hours after her arrival, or at some time before she begins to discharge her cargo; and, in the case of a ship outward bound, before she quits her moorage.

3. There shall be paid to the person measuring such ship, by the party against whom he decides such remuneration for his services as the pilotage authority appoints. R. S., c. 80, s. 54.

Employment of Pilots not compulsory.

473. No owner or master of any ship shall, in any case, be compelled to employ or to give his ship into the charge of a pilot, either on the ground of his being compelled to pay pilotage dues to any person or otherwise. R. S., c. 80, s. 57.

Liability of the Owner of a Ship in charge of a Pilot.

474. Nothing in this Part shall exempt any owner or master of any ship from liability for any loss or damage occasioned by his ship to any person or property, on the ground either of such ship being in the charge of a licensed pilot, or of such loss or damage being occasioned by the act or default of a licensed pilot, or on any other ground. R. S., c. 80, s. 57.

Compulsory Payment of Pilotage Dues and exemptions.

475. Every ship which navigates within either of the pilotage districts of Quebec, Montreal, Halifax, or St. John, or within any pilotage district within the limits of which the payment of pilotage dues is, for the time being, made compulsory by order in council under this Part shall pay pilotage dues, unless,—

(a) such ship is on her inward voyage and no licensed pilot offers his services as a pilot; or,

(b) she is exempted under the provisions of this Part, from payment of such dues. R. S., c. 80, s. 58.

476. If such ship is on her outward voyage and the owner or master of such ship does not employ a pilot or give his ship into the charge of a pilot, such dues shall be paid, if in the pilotage district of Quebec, to the Quebec Pilots Corporation, and, if in any other pilotage district to the pilotage authority of such district. R. S., c. 80, s. 58.

477. The following ships shall be exempted ships:—

- (a) Ships belonging to His Majesty;
- (b) Ships wholly employed in His Majesty's service, while so employed, the masters of which have been appointed by His Majesty's Government, either in the United Kingdom or in Canada;
- (c) ships propelled wholly or in part by steam
 - (i.) employed in trading from port to port in the same province, or
 - (ii.) employed in trading between any one or more of the provinces of Quebec, New Brunswick, Nova Scotia or Prince Edward Island and any other or others of them, or
 - (iii.) employed in voyages between any port or ports in the said provinces or any of them and the port of New York or any port of the United States of America on the Atlantic, North of New York, or
 - (iv.) employed in voyages between any port in any of the said provinces and any port in Newfoundland, or
 - (v.) having a draught when loaded not exceeding sixteen feet, and employed exclusively in voyages between any port or ports on Lake Ontario, Lake Erie, Lake Huron, Lake Superior, Lake Michigan or on any of the waters connecting those lakes and any port or ports on the river St. Lawrence, or between any ports on the river St. Lawrence;
- (d) Ships registered in Canada, of not more than one hundred and twenty tons registered tonnage;
- (e) Any ship of which the master or any mate has a certificate granted under the provisions of this Part and then in force, authorizing him to pilot such ship within the limits within which she is then navigating;
- (f) Ships of such description and size not exceeding two hundred and fifty tons, registered tonnage, as the pilotage authority of the district, with the approval of the Governor in Council, from time to time determines to be exempt from the compulsory payment of pilotage dues in such district.

2. In the river St. Lawrence, all ships registered in Canada of not more than two hundred and fifty tons registered tonnage, shall be exempt from the payment of pilotage dues. R. S., c. 80, s. 59; 55-56 V., c. 20, s. 1; 2 E. VII., c. 27, s. 1.

478. The pilotage authorities of the pilotage districts of Halifax, Sydney, Miramichi and Pictou may, as to each of such ports respectively, notwithstanding anything contained in the last preceding section, from time to time determine with the approval of the Governor General, whether any, and which, if any, of the steamships em-

ployed, as in the said sections specified, shall or shall not be wholly or partially, and, if partially, to what extent and under what circumstances, exempted from the compulsory payment of pilotage dues. 2 E. VII., c. 27, s. 1.

479. When a ship arrives at the limits of any district in which the payment of pilotage dues is, for the time being, compulsory and within any part of which she is an exempted ship by reason of having a master or mate possessing a pilotage certificate under this Part, or is at a distance of five miles at least from the mouth of the harbour in any such district mentioned in the pilotage certificate of her master or mate, whichever first happens, such master or mate shall hoist a white flag not less than four feet by six feet at the main top masthead, with the number of his certificate, in black figures six inches long, in the center as a signal that the ship has a certificated master or mate on board. R. S., c. 80, s. 60.

480. If the master of an exempted ship not belonging to His Majesty, or not wholly employed in His Majesty's service, arriving within the limits of a pilotage district in which the payment of pilotage dues is, for the time being, compulsory,—

- (a) displays and continues to display the signal for a pilot in this part provided, whilst within the limits prescribed for that purpose, and does not accept the services of any licensed pilot offering them in consequence of such signal; or,
- (b) without displaying or continuing to display the signal for a pilot in this Part provided, whilst within the limits prescribed for that purpose, employs any person not belonging to his crew and not being a licensed pilot, to pilot or guide such ship, whether or not a licensed pilot has offered his services,—

such ship shall be liable to pay, if in the pilotage district of Quebec, to the Quebec Pilots Corporation, and, if elsewhere, to the pilotage authority of the district as pilotage dues, the same sum as would have been payable to such licensed pilot if his services had been accepted. R. S., c. 80, s. 61.

481. Every ship liable for pilotage dues and requiring the services of a pilot, arriving at the limits of any district in which the payment of pilotage dues is for the time being compulsory, shall,—

- (a) until a licensed pilot has come on board; or,
- (b) until the ship has passed a point, line or place, from time to time fixed in that behalf by the pilotage authority of the district,

display such signal for a pilot, as is in this part provided.

2. The master thereof, upon sighting a pilot boat carrying a pilot or pilot lights, shall also,—

- (a) by lying to, if the weather permits, or by shortening sail or heaving to; or,
- (b) if the ship is a steamer, by stopping his engines or by any other practicable means, facilitate the coming on board of the pilot or one of the pilots of such boat. R. S., c. 80, s. 62.

482. Every such ship as to which the requirements of the last preceding section are not compiled with shall be liable to pay, if in the pilotage district of Quebec, to the Quebec Pilots Corporation, and, if elsewhere, to the pilotage authority of the district, a sum not exceeding the amount of pilotage dues which would be payable for piloting such ship.

2. Every such ship, the master of which,—

- (a) does not accept the services of the first licensed pilot who, by signal or otherwise, offers his services; or,
- (b) does not accept the services of such one of two or more pilots offering their services at the same time, as is entitled by the law or regulations for the time being in force in such district to have his services accepted; or,
- (c) having signalled for a pilot, does not accept the services of any licensed pilot offering the same in consequence of such signal, shall, be liable to pay, if in the pilotage district of Quebec, to the Quebec Pilots Corporation, and, if elsewhere, to the pilotage authority of the district, as pilotage dues, the same sum as would have been payable to such pilot, if his services had been accepted. R. S., c. 80, s. 62.

678 483. All sums received by any pilotage authority in pursuance of the three last preceding sections shall be applied by it,—

- (a) in paying all expenses incurred in obtaining payment of the same;
- (b) in paying to the pilot who offered his services to the ship, and, if two pilots offered, to that one who was entitled to have his services accepted, such amount, if any, as it, by any by-laws made under this Part from time to time, makes payable to such pilot.

2. The residue shall be carried to and form part of the pilot fund of the district. R. S., c. 80, s. 62.

484. No ship shall be exempted on any ground whatever from the liability to pay pilotage dues earned by any licensed pilot voluntarily taken on board of such ship by the master for the purpose of piloting her, whether the payment of pilotage dues is or is not, for the time being, otherwise compulsory in the district in which such pilotage dues are earned. R. S., c. 80, s. 65.

485. Every master of an exempted ship, when navigating such ship without a pilot in any pilotage district, or part of a pilotage district, within the limits of which she is for the time being an exempted ship, shall, as regards the conduct and management of such ship within such limits, have all the powers and duties which are by law or usage possessed by or imposed upon any licensed pilot for such district. R. S., c. 80, s. 66.

Signals to indicate that a Pilot is required.

486. If any ship requires the services of a pilot, or, not having a pilot, has entered or is in any district or part of a district where such ship is subject to a compulsory payment of pilotage dues, the master of such ship shall display the following signals,—

- (a) in the day time, the Jack or other national colour usually worn by merchant ships, having round it a white border one-fifth of the breadth of the flag, hoisted at the fore;
- (b) at night, a blue light every fifteen minutes; or a bright white light, flashed or shown at short or frequent intervals, just above the bulwarks, for about a minute at a time. R. S., c. 80, s. 63.



PART XII.—PUBLIC HARBOURS AND HARBOUR MASTERS.

Interpretation.

848. In this Part, unless the context otherwise requires,—
 (a) ‘harbour master’ means a harbour master appointed under this Part;
 (b) ‘port’ means a port to which this Part applies. R. S., c. 86, s. 2.

Proclamation of Public Harbours.

849. The Governor in Council may by proclamation,—
 (a) declare to be a public harbour any area covered with water within the jurisdiction of the Parliament of Canada; and,
 (b) extend the area of any existing public harbour in Canada.
 2. Upon such proclamation being issued, all statutes rules and regulations affecting such public harbour shall apply thereto as so extended. 57-58 V., c. 47, s. 1.

Application.

850. This Part applies to such ports only as are, from time to time, designated for that purpose by proclamation or are created public harbours by proclamation under this Part, but does not apply to the ports of Quebec, Montreal and Three Rivers, in the province of Quebec, or to the port of Toronto, in the province of Ontario, or to the ports of Halifax and Pictou, in Nova Scotia, or to the port of St. John, in New Brunswick. R. S., c. 86, s. 3; 57-58 V., c. 47, s. 2.

Appointment of Harbour Masters.

851. The Governor in Council may, from time to time, appoint a fit and proper person to be harbour master for any port to which this Part applies and may also appoint deputy harbour masters for any such port. 57-58 V., c. 50, s. 1.

No pilot to be Harbour Master.

852. No licensed pilot shall be appointed to act or shall act, as harbour master of any port, unless he first surrenders his license. R. S., c. 80, s. 43.

Rules and Regulations.

853. The Governor in Council may, from time to time, by regulation, define the rights, powers and duties of the harbour master in respect of the port for which he is appointed and determine his remuneration. R. S., c. 86, s. 6.

- 679 854. The Governor in Council may make rules and regulations for the government of any public harbour or port in Canada, but, in the case of the ports of Quebec, Montreal, Three Rivers, Toronto, Halifax, Pictou, and the port of St. John, in the province of New Brunswick, such rules and regulations as are inconsistent with any rule or regulation of any of these ports shall not be made,

until application therefor from the local authorities in charge of the port has been received by the Governor in Council. 57-58 V., c. 47, s. 3.

855. The Governor in Council may by any such regulation impose,—
 (a) a penalty, not exceeding in any case one hundred dollars, for any violation of the same, and,
 (b) in the case of a continuing violation, a further penalty not exceeding, in any case, ten dollars for every twelve hours during which such violation continues. R. S., c. 86, s. 7; 57-58 V., c. 47, s. 4.

856. Every violation of any such regulation shall be deemed a violation of this Part, and every such penalty shall be held to be a penalty imposed by this Part, but no such regulation shall impose a minimum penalty. R. S., c. 86, s. 7; 57-58 V., c. 47.

Duties of the Harbour Master.

857. The harbour master of any port shall furnish copies of regulations to every licensed pilot of the port who shall give one of such copies to the master of every ship which he takes in charge. R. S., c. 86, s. 8.

858. The harbour master of any port shall prosecute every person violating any such regulation. R. S., c. 86, s. 9.

859. Every harbour master shall be under the control of the Minister, and, shall, as soon as possible after the thirty-first day of December in each year, furnish the Minister with a report in writing on oath of his doings in office, and of the fees of office received by him during such year. R. S., c. 86, s. 5.

860. Each harbour master appointed under this Part shall direct and superintend the placing, maintaining and taking up of buoys in the port for which he is appointed, and perform such other services and duties connected with such port or harbour as he is directed to perform by the Minister or by the proper officer, without any additional remuneration beyond the amount allowed him out of fees received by him under this Part. R. S., c. 86, s. 10.

Fees.

861. The harbour master shall be remunerated for his services solely by the fees hereinafter mentioned, or such portion thereof as he is, from time to time, authorized to retain by the regulations made by the Governor in Council under this Part. R. S., c. 86, s. 11.

862. For and in respect of all ships entering a port to which this Part applies, and at which a harbour master is appointed, and discharging or taking in cargo, ballast, stores, wood or water, there shall be paid as fees,—

- (a) for every ship of fifty tons register or under, fifty cents;
- (b) for every ship over fifty tons and not over one hundred tons register, one dollar;
- (c) for every ship over one hundred tons and not over two hundred tons register, one dollar and fifty cents;
- (d) for every ship over two hundred tons and not over three hundred tons register, two dollars;
- (e) for every ship over three hundred tons and not over four hundred tons register, two dollars and fifty cents;

- (f) for every ship over four hundred tons and not over five hundred tons register, three dollars;
- (g) for every ship over five hundred tons and not over seven hundred tons register, four dollars;
- (h) for every ship over seven hundred tons register, five dollars.

R. S., c. 86, s. 11.

863. Such fees shall also be payable for ships with cargo and steamers passing through or arriving at the harbours of Sorel, St. Johns, Three Rivers or Lachine, in the province of Quebec; and the Governor in Council may, from time to time, appoint a fit and proper person to be harbour master at each of the said harbours. R. S., c. 86, s. 12.

864. Such fees shall not be payable for any ship more than twice in each calendar year, whatever is the number of ports at which she arrives or through which she passes, or the number of times of her arriving or passing; and shall be payable by the master of the ship to the harbour master immediately on her entering or arriving at the first and second ports where there is a harbour master; and the collector or principal officer of Customs thereat shall not grant any clearance, transire or let-pass to any ship on which they are payable, until the master thereof produces to him a certificate of the payment of such fees or certificates of the payment of fees under this Part, once or twice within the then current year, as the case requires. R. S., c. 86, s. 13.

865. The salary or remuneration of each harbour master shall, from time to time, be fixed by the Governor in Council, but shall not exceed the rate of six hundred dollars per annum, and shall be subject to the provisions hereinafter contained. R. S., c. 86, s. 14.

866. The harbour master of each port shall pay over, as soon as possible after the thirty-first day of December in each year, to the Minister of Finance, to form part of the Consolidated Revenue Fund, all moneys received by him for fees under this Part, during such year, after deducting therefrom the salary or remuneration fixed as aforesaid.

2. If the moneys received by him for fees in any year amount to a less sum than is so fixed, then such less sum shall be his salary or remuneration for that year. R. S., c. 86, s. 15.

867. The harbour master of each port shall keep a book in which he shall enter from day to day, the name of every ship, not exempt from the payment of fees under this Part entering such port, the name of her master, her registered tonnage, the date of her entering the port and the sum, if any, received by him for his fee on her entering, which shall be at all times, during office hours, open to inspection by any person, on demand, without fee or reward. R. S., c. 86, s. 16.

Recovery of Penalties.

868. Every penalty incurred for any violation of any regulations made by the Governor in Council under this Part, may be recovered with costs by summary conviction under Part XV. of the Criminal Code and shall belong,—

- (a) if the informer is not the harbour master, one-half to the informer, and the other half to His Majesty; and
- (b) if the informer is the harbour master, the whole to His Majesty.

R. S., c. 86, s. 17.

No. 96.—1907, September 12: Canadian Order in Council promulgating Fishery Regulations.^a

AT THE GOVERNMENT HOUSE AT OTTAWA,
Thursday, the 12th day of September, 1907.

Present: His Excellency the Governor General in Council.

The Governor General in Council, in virtue of the provisions of section 54 of the Fisheries Act, Chapter 45 of the Revised Statutes of Canada, 1906, is pleased to Order and doth hereby Order that the following Fishery Regulations be rescinded:—

The General Fishery Regulations for the Province of Prince Edward Island, adopted by Order in Council on the 18th day of July, 1889.

The General and Special Fishery Regulations for the Province of Nova Scotia, adopted by Order in Council on the 18th day of July, 1889.

The General and Special Fishery Regulations for the Province of New Brunswick, adopted by Order in Council on the 18th day of July, 1889.

The General Fishery Regulations for the Province of Quebec, adopted by Order in Council on the 18th day of July, 1889.

The General Fishery Regulations for the Province of Ontario, adopted by Order in Council on the 18th day of July, 1889.

The Regulations respecting navigable waters, adopted by Order in Council on the 18th day of July, 1889.

The Regulations respecting the propagation of fish, adopted by Order in Council on the 2nd day of August, 1889.

The Regulations relating to fishing in Manitoba and the North West Territories, adopted by Order in Council on the 8th day of May, 1894; as well as any and all Orders in Council passed subsequently to the 18th day of July, 1889, establishing Fishery Regulations for the above mentioned Provinces and for the Provinces of Saskatchewan and Alberta, the North West Territories and the Yukon District.

His Excellency the Governor General is further pleased, under the provisions of Section 54 of the Fisheries Act, Chapter 45 of the Revised Statutes of Canada, 1906, to Order that the hereto appended Fishery Regulations shall be and the same are hereby substituted in lieu of those above rescinded.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

GENERAL FISHERY REGULATIONS.

GOVERNMENT HOUSE, OTTAWA,
Thursday, the 12th day of September, 1907.

His Excellency, in virtue of the powers vested in him by "The Fisheries Act," chapter 45 of the Revised Statutes, and by and with

^a Now questioned by the United States: see Appendix, pp. 4-5.

the advice of the King's Privy Council for Canada, is pleased to make the following Fishery Regulations, namely:—

SEC. 1.—Angler's Permits in the Inland Waters of the Dominion of Canada.

1. No person, other than a British subject, shall angle for or take any sporting fish in Canada without having first obtained therefor an angler's permit, issued by the local fishery officer in each district, under the authority of the Minister of Marine and Fisheries, except in the Provinces of Ontario and Quebec, where such permits are issued under the authority of the Provincial Governments.

2. Each person, not a British subject, shall pay for such angler's permit a fee of \$5.00.

3. One angler's permit only shall be issued to each applicant. Such permit shall not be transferable, and can be legally used only by the person whose name appears thereon. Each holder of an angler's permit shall be required to produce and exhibit his permit, when called upon to do so by any fishery officer.

4. No person shall use, under an angler's permit more than one fishing line, provided with not more than three hooks.

5. No trout shall be retained or kept out of the water under 6 inches in length, and no salmon or grilse of less weight than three pounds; but every person who takes or catches any of the fish mentioned, of a less size or weight than the minimum named, shall immediately return such undersized fish to the water from which they were taken, and shall, if possible, liberate such fish alive.

6. No person holding an angler's permit shall sell or offer for sale any fish caught with hook and line.

7. Any person or persons violating any of the above regulations shall be liable to the fines and penalties provided by the "Fisheries Act," chap. 45 of the Revised Statutes of Canada.

8. Nothing in these regulations shall affect the rights of any person or persons holding leases of fishing rights from either Federal or Provincial authorities.

9. Foreigners, when temporarily domiciled in Canada and remaining thirty consecutive days or more and employing Canadian boats and boatmen, shall be exempt from the regulation requiring permits.

SEC. 2.—Clams—Soft-Shell, Long-neck or Squirt-clams.

The export of soft-shell, long-neck or squirt clams (*Mya Arenaria*) in a raw state taken in the Provinces of Quebec, New Brunswick, Nova Scotia, or Prince Edward Island, from the 1st day of May to the 30th day of September, both days inclusive, in each year, is prohibited.

SEC. 3.—Dynamite for killing Fish.

1. It shall be unlawful for any person or persons to procure or have in possession on board of any boat or vessel or elsewhere within Canada, any dynamite or other explosive material with the intention of using or attempting to use or allowing or permitting the same to be used or attempted to be used for the purposes of catching or killing or attempting to catch or kill any kind of fish, shell-fish or marine animal.

2. It shall be unlawful for any person or persons to put or place or have upon or in any boat or vessel engaged or employed or intended to be engaged or employed in fishing, any dynamite or other explosive material.

3. In case any such dynamite or other explosive shall be found or proved to be or to have been in or upon any such boat or vessel, the master and the owner thereof shall each be liable for the penalty provided for breach of the last preceding Regulation, as well as any other person or persons who may have put or placed such dynamite or other explosive upon or in the said boat or vessel or had the same in possession therein.

SEC. 4.—Export of Trout Prohibited.

No one shall receive, ship, transport or have in possession for the purposes of shipping or transporting out of the Dominion of Canada any speckled trout,

river trout or sea trout, taken or caught in the Provinces of Ontario, Quebec, New Brunswick, Nova Scotia and Prince Edward Island; provided,—

1. Any person may so ship such trout caught by him for sport, to the extent of 25 lbs. in weight, if the shipment is accompanied by a certificate to 682 that effect from either the local fishery officer in whose district the fish were caught or from the local station agent adjacent to the locality in which they were caught or is accompanied by copy of the official license or permit issued to the person making the shipment.

2. No single package of such trout shall exceed 25 lbs. in weight, nor shall any person be permitted to ship more than one package during the season.

SEC. 5.—*Lobster fishery.*

(See also Fisheries Act sections 35 to 42 inclusive.)

1. No one shall fish for, catch, kill, buy, sell or have in his possession lobsters from the last day of May to the fourteenth day of December in each year, both days inclusive, on and along that part of the coast or the waters thereof, of the Province of Nova Scotia, embraced and included within the Counties of Yarmouth, Shelburne, Queen's, Lunenburg, and that part of the County of Halifax, west of a line running S.S.E. from St. George's Island, Halifax Harbour, Nova Scotia, and coinciding with the fairways buoys in the entrance of the said harbour; nor shall any person within the above described limits, at any time fish for, catch, kill, buy, sell or have in his possession any lobster or lobsters under nine inches in length, measuring from head to tail, exclusive of claws or feelers.

2. No one shall fish for, catch, kill, buy, sell or have in his possession lobsters from the last day of June in each year to the fourteenth day of January then next following, both days inclusive, in any part of the Bay of Fundy, or on any part of the coasts or waters thereof, inside of a line drawn from the division line of the Counties of Charlotte and St. John, near Point Lepreau, running outside of Brier Island, to the boundary line between the Counties of Digby and Yarmouth, in the Province of Nova Scotia; nor shall any person, within the above described limits, at any time, fish for, catch, kill, buy, sell or have in his possession any lobster or lobsters under $10\frac{1}{2}$ inches in length, measuring from head to tail, exclusive of claws or feelers, excepting on the part of the coast or the waters thereof of the Province of New Brunswick, embraced and included within the County of St. John, where it is hereby provided that no one shall fish for, catch, kill, buy, sell or have in his possession lobsters from the last day of June in each year to the fifth day of January then next following, both days inclusive.

In the Counties of Charlotte, New Brunswick, and Digby, Nova Scotia, no one shall fish for, catch, kill, buy, sell, or have in his possession lobsters from the fifteenth day of June to nine o'clock a. m. on the sixth day of January, then next following; nor shall any person, within the above described limits, at any time, fish for, catch, kill, buy, sell, or have in his possession any lobster or lobsters under nine inches in length, measuring from head to tail, exclusive of claws or feelers; providing that in that portion of the County of Digby fronting on the Bay of Fundy, the legal size limit for lobsters shall be ten and one-half inches in length, measuring from head to tail, exclusive of claws or feelers.

3. No one shall fish for, catch, kill, buy, sell, or have in his possession lobsters from the first day of July in each year to the thirty-first day of March then next following, both days inclusive, on and along that part of the coast of the Province of Nova Scotia or the waters thereof, from the aforesaid line, running S.S.E. from St. George's Island, Halifax Harbour, Nova Scotia, and coinciding with the fairway buoys in the entrance to the said harbour, extending eastwardly and following the coast line, as far as Red Point, between Martin Point and Point Michaux, in the Island of Cape Breton, and including Chedabucto Bay, and St. Peter's Bay, and the coasts and waters of all the islands lying in and adjacent to these bays, and including the coasts and waters of the Gut of Canso, as far as a line passing from Flat Point in Inverness County, to the lighthouse in Antigonish County opposite.

4. No one shall fish for, catch, kill, buy, sell or have in his possession lobsters from the first day of August in each year, to the last day of April then next following, both days inclusive, on and along that part of the coast of Cape Breton Island, in the Province of Nova Scotia, or the waters thereof, from Red

Point, between Martin Point and Point Michaux, in the Island of Cape Breton, and extending to, and around Cape North, as far as and including Cape St. Lawrence; also the north shore of the Gulf of St. Lawrence from the Bay of Blanc Sablon, in the Province of Quebec, westward to the head of tide, embracing the coasts and waters of all the islands adjacent to the said shore, and including the Island of Anticosti, and lobster fishing on the coasts and waters of all the islands known as the Magdalen Islands, including Bird Rocks and Bryon Island, may begin on the twentieth day of April in each year and end on the tenth day of July then next following; also that a fall fishing season is permitted in these waters during the month of September in each year; but no one shall, at any time, fish for lobsters in the lagoons.

5. No one shall fish for, catch, kill, buy, sell or have in his possession lobsters from the eleventh day of August in each year, to the twenty-fourth day of May then next following, both days inclusive, along the coasts and in the waters of Northumberland Straits, between a line on the north-west, drawn from Chockfish River, in New Brunswick, to West Point, in Prince Edward Island, and a line on the southeast, drawn from Indian Point, near Cape Tormentine, in New Brunswick, to Cape Traverse, in Prince Edward Island.

6. No one shall fish for, catch, kill, buy, sell or have in his possession lobsters from the eleventh day of July in each year, to the nineteenth day of April then next following, both days inclusive, in any part of Canada or the coasts or waters thereof, not embraced within the limits described in the foregoing regulations.

7. Excepting as elsewhere provided as above, in which the size limits are fixed at nine inches and ten and a half inches, no one shall, in any part of Canada, or the coasts or waters thereof, at any time, fish for, catch, kill, buy, sell or have in his possession any lobster or lobsters under eight inches in length, measuring from head to tail, exclusive of claws or feelers.

633 8. No one shall fish for, catch, kill, buy, sell or have in his possession for any purpose whatever, any berried lobster or lobsters, or any soft-shelled lobster or lobsters. Such lobsters when caught shall be liberated alive.

9. No one shall set or place lobster traps or other fishing apparatus, for the purpose of taking lobsters in any waters of the depth of two fathoms or under.

10. No one shall set or place lobster traps or other fishing apparatus for the purpose of taking lobsters, at a distance of less than one hundred yards from any stationary salmon net, set apart for the purpose of taking salmon.

11. No one shall, for canning purposes, offer for sale, sell, barter, supply or purchase any fragments of lobsters, lobsters purposely mutilated or broken up, or any broken lobster meat, and all fragments of lobsters, lobsters purposely mutilated or broken up, or broken lobster meat, so offered for sale, sold, bartered, supplied or purchased, shall be liable to seizure and confiscation, unless possessed for the purpose of domestic consumption only, and not for canning, the proof whereof shall devolve on the owner or possessor.

12. No one shall, for canning purposes, boil lobsters on board any ship, vessel, boat or floating structure of any description whatever, except under special licence from the Minister of Marine and Fisheries.

13. No one shall prepare to fish for lobsters by placing or setting any buoys, lines or other gear used in connection with such fishing, before 6 o'clock in the morning of the day on which it is lawful to take or catch lobsters in the locality affected.

Trawl fishing for lobsters.

The use of trawls for the purpose of catching lobsters is prohibited in the waters of the Counties of Gaspé and Bonaventure.

SEC. 6.—*Oyster fishery regulations.*

1. No person shall fish for or catch oysters without a lease or license from the Minister of Marine and Fisheries.

2. The owner, person or persons interested in a fishing boat employed in the oyster fishery shall cause a memorandum in writing, setting forth the name of the owner, person or persons interested, to be filed with the local fishery officer, who, if no valid objection exists, may, under instructions from the Minister of Marine and Fisheries, issue a fishery license for the same, and any boat or fishing apparatus used without such license, shall be deemed to be illegal and liable to forfeiture, together with the oysters caught therein,

and the owner or person using the same shall be subject to the penalties prescribed by the Fisheries Act.

3. All boats fishing for oysters shall have a registration number corresponding with that of the license legibly marked or painted on the bow of the boat, in white coloured letters on a black ground, and the initial letter of the port to which such boat belongs, such letters to be at least eight inches in length.

4. Oysters shall not be fished for, caught, killed, bought, sold or had in possession from the 1st day of April to the 30th day of September, both days inclusive, in each year.

5. Fishing for oysters or any other shell fish through the ice is prohibited.

6. No person shall fish for, catch, kill or buy, sell or have in possession any round oysters of a less size than three inches in diameter of shell, nor any long oysters measuring less than three and a half inches of outer shell.

Round oysters of a less size than three inches in diameter, and long oysters measuring less than three and a half inches on the outer shell, and that may be accidentally caught, shall be returned to the water alive at the cost and risk of the person so fishing, on whom, in every case, shall devolve the proof of actual liberation.

Provided always that persons holding fishery licenses, may obtain from the Minister of Marine and Fisheries, permission to fish for and catch small oysters for the purpose of planting or stocking oyster beds.

7. Fishing for oysters is prohibited on Sunday, and from sunset to sunrise on any other day of the week.

8. (a) No person shall dig mussel mud within 200 yards from any live oyster bed, and then only at such place or places as may be prescribed in writing by a fishery officer.

(b) No person shall dig mussel mud in Trout River, Prince County, Prince Edward Island, excepting above a line drawn from Peter Miller's Middle Point to a point of land at the end of Yeo's Portage Road.

(c) No person shall dig mussel mud in Bideford River, Prince County, Prince Edward Island, excepting above a line drawn from Bideford Shipyard to Colin McKay's Point, including Pawes Creek.

9. The use of rakes for the purpose of taking oysters on any beds prepared or planted by the Department of Marine and Fisheries, is prohibited.

10. The use, for taking oysters on oyster-beds, of quahaug rakes, tongs operated by purchase power, or tongs or rakes other than the ordinary ones now in use in oyster-fishing in the Provinces of Prince Edward Island and New Brunswick, is prohibited.

11. All the waters of York or North River, Queen's County, Prince Edward Island, included between the bridge from Poplar Island to the west shore on the said river and a due east and west line drawn from the mouth of Forkey Creek to the opposite shore, are hereby set apart for the natural and artificial propagation of oysters.

684 12. All the waters of Big Tracadie Harbour lying east of a line drawn due north and south (true) across the narrowest part of the entrance of the West Arm, situated at Tracadie, in the County of Antigonish, in the Province of Nova Scotia, are hereby set apart for the natural and artificial propagation of oysters.

13. All the waters of Shediac Harbour, extending from a line drawn south, 67° west (due west magnetic) from Mr. Petitpas' house on Shediac Island, to Mr. Wilbur's tannery, on the north side of Wilbur's Cove, southwardly to a line drawn from the south extremity of Snake Point, $50^{\circ} 7' 30''$ west (west by south $\frac{1}{2}$ south magnetic) to the corner of Moncton road, the points where the boundary lines above described cut the high water on shore being marked in each case by a square cedar post, inscribed O. R., and the whole including below low water mark an area of 980 acres, be the same more or less.

And all the waters of Shediac harbour extending from a straight line drawn south $60^{\circ} 19'$ east, between the station established on the south shore of Shediac island, at its mouth, being the point of Shediac island (this being the north limit of the said reserve) and the north boundary of the reserve set apart by the next preceding paragraph, the whole containing an area of 482 acres, more or less.

SEC. 7.—Quahaug or hard-shell clams.

1. No one shall fish for or catch hard-shell clams or quahaugs without a license from the Minister of Marine and Fisheries. The fee on each such license shall be one dollar per season.

2. No one shall fish for, catch, kill, buy, sell or possess hard-shell clams or quahaugs, excepting during the months of May, June and September, in each year.

3. No one shall fish for, catch, kill, buy, sell or possess hard-shell clams or quahaugs of a less size than one and one-quarter inches in length, and any such hard-shell clams or quahaugs measuring less than one and one-quarter inches in length, on the outer-shell, that may be accidentally caught, shall be returned to the water alive by the person so fishing.

4. The use of rakes for catching hard-shell clams or quahaugs, having teeth less than one and one-quarter inches apart, is prohibited.

5. Fishing for hard-shell clams or quahaugs in bays, harbours and other waters within the Dominion of Canada, where oysters are taken, shall be permitted only on areas set apart and marked out by the local fishery officer for the respective districts in which such fishing is prosecuted.

[Special Fishery Regulations for Prince Edward Island, Nova Scotia and New Brunswick were here inserted.]

PROVINCE OF QUEBEC.

SPECIAL FISHERY REGULATIONS.

GOVERNMENT HOUSE, OTTAWA,
Thursday, the 12th day of September, 1907.

On the recommendation of the Minister of Marine and Fisheries, and under the provisions of Chapter 45 of the Revised Statutes of Canada, intituled "The Fisheries Act," his Excellency in Council has been pleased to make the following fishery regulations for the Province of Quebec:—

SEC. 1.—*Anglers' Permits.*

(See General Fishery Regulations.)

SEC. 2.—*Bait.*

The Minister of Marine and Fisheries may authorize the issue of special permits to take Bait for the *bona fide* purpose of deep-sea fishing for any specified time during the weekly close time prescribed by the fishery laws.

SEC. 3.—*Bass.*

1. No one shall fish for, catch, kill, buy, sell or have in possession any bass from the 1st April to the 15th June, both days inclusive, in each year.

2. No one shall fish for or take black bass otherwise than by hook and line (angling), and any such fish as may be accidentally taken in seines or nets of any kind operated for other fishing, shall be liberated alive by the owner or operator of such seines or nets.

3. No black bass (achigan) less than nine inches in length,—measured from the point of the nose to the centre of the tail,—shall be retained or kept out of the water, sold, offered or exposed for sale or had in possession, and any one who takes any black bass (achigan) less than nine inches in length shall immediately return such fish to the water from which it was taken, alive and uninjured.

4. No rock bass (crapais noir) less than six inches in length,—measured from the point of the nose to the centre of the tail,—shall be retained or kept out of the water, sold, offered or exposed for sale, or had in possession, and any one who takes any rock bass (crapais noir) less than six inches in length shall immediately return such fish to the water from which it was taken, alive and uninjured.

SEC. 4.—*Clams.*

(See General Fishery Regulations.)

SEC. 5.—*Cod.*

No person shall carry on Cod-fishing with seines at a less distance than one half mile from any fishing grounds where fishing boats are anchored, and fishermen are actually engaged fishing for Codfish with hooks and lines.

Cod-fishing in the Gulf of St. Lawrence (Quebec).

1. Fishing by means of Cod trap-nets without a license from the Minister of Marine and Fisheries is prohibited in the waters of the Gulf of St. Lawrence.

2. Cod traps shall not be set near the mouth of any river frequented by salmon, or in such a manner or at such places, as to obstruct or interfere with the passage of salmon.

3. All Cod trap-nets shall be placed at distances of not less than two hundred and fifty yards apart, and no fishing apparatus of any kind shall be set, or used in or about any part of the water between Cod trap nets. Provided always that any Fishery Officer may direct, either in writing or orally on sight that any greater space than two hundred and fifty yards shall be left between Cod trap-nets, and any Cod trap-nets or other fishing apparatus which the owner or person using the same neglects or refuses to remove in accordance with such directions, shall be deemed to be illegal and liable to forfeiture together with the fish caught therein, and the owner or person using the same shall also be subject to the fines and penalties provided by the Fisheries Act.

4. The leader of each Cod trap-net shall, in every case, extend from the shore, and any Fishery Officer may determine in writing, or orally, the length of the leader that shall be used.

5. The pots of Cod trap-nets shall have meshes of at least four inches extension measure, and the leaders shall have meshes of at least six inches extension, and nothing shall be done to practically diminish the size of the meshes.

6. The fee on Cod trap-nets shall be fifty cents for each fathom in length of leader, and such fee shall be payable in advance.

7. The use of "jiggers" for the purpose of catching or killing Cod is prohibited.

8. All materials, implements, nets, appliances or gear of any kind used and all fish caught, taken, killed, bought, sold or possessed in violation of any of the above regulations shall be seized and confiscated, and any person or person [sic] violating any of the above regulations shall also incur the other penalties provided by the Fisheries Act.

SEC. 6.—*Deep Sea Fisheries, Magdalen Islands.*

1. It shall be unlawful, during the season of Herring and Mackerel fishery in Pleasant Bay (Magdalen Islands), from the 1st of May to the 15th of June, to set any net or nets opposite the entrance of Amherst Harbour, that is to say: eastward a line drawn from the north-west end of the Cape bounding the mouth of said harbour to the east end of Cape Allright, as far as another line intersecting the same and bearing east south-east (magnetic) with the north Cape of Entry Island; and no person or persons shall be permitted at any time to set any net or nets in the middle of Sandy Hook Channel; nor shall any net or nets be set along the northern and western shores of Entry Island at more than one mile distant from the beach: Provided, however, that fishermen may lay their nets from Allright and Grindstone Islands towards Entry Island to within half a mile of those set upon the northern and western shores of said island, so as to leave always, for the purposes of navigation, a clear channel against the entrance into Amherst Harbour, and preserve free access to the bottom of Pleasant Bay for the schools of Herrings and Mackerel resorting thither to spawn.

2. No nets shall be set in the said bay nearer to each other than one hundred feet.

3. Whenever it shall be found impracticable to discover the owner or owners for the time being of any net or nets laid in contravention of these regula-

tions, any fishery officer may, upon sight, proceed to remove the same from the place of obstruction.

4. It shall not be lawful to use, in any manner whatsoever, for the purpose of taking Codfish or Halibut, set-lines or bultow lines, within Pleasant Bay.

SEC. 7.—*Eels.*

(1.) The mesh for an eel-weir, trap or other apparatus for eel-fishing, shall be not less than one and one eighth inches bar measure:

(2.) No leader or any part of an eel-weir, trap or other apparatus for eel-fishing, shall exceed in height the height of the pot or terminal part of the said weir, trap or other apparatus for eel-fishing;

(3.) The taking of eels under thirty inches in length is prohibited, and such eels, if captured, shall be liberated alive.

SEC. 8.—*Herring.*

1. (a) Fishing by means of herring trap-nets without a license from the Minister of Marine and Fisheries is prohibited in the waters of the Gulf of St. Lawrence.

(b) Herring trap-nets shall not be set near the mouth of any river frequented by salmon, or in such a manner, or at such places as to obstruct or interfere with the passage of salmon.

686 (c) All herring traps-nets shall be placed at distances of not less than one-eighth of a mile apart, and no fishing apparatus of any kind shall be set or used in or about any part of the water between herring trap-nets: Provided always that any fishery officer may direct, either in writing, or orally on sight, that any greater space than one-eighth of a mile shall be left between herring trap-nets, and any herring trap-net or other fishing apparatus which the owner or person using the same neglects or refuses to remove in accordance with such directions, shall be illegal and liable to forfeiture, together with the fish caught therein, and the owner or person using the same shall also be liable to the fines and penalties provided by the Fisheries Act.

(d) The leader of each herring trap-net shall in every case extend from the shore, and any fishery officer may determine in writing, or orally, the length of leader that shall be used.

(e) The fee on herring trap-nets shall be fifty cents, on each fathom in length of leader, and such fee shall be payable in advance.

2. The use of seines for the capture of herring is prohibited on that portion of the north shore of the Gulf of St. Lawrence, in the County of Saguenay, extending from Kegashka to Cape Whittle.

SEC. 9.—*Leases and Licenses.*

Fishing by means of nets or other apparatus without leases or licenses from the Minister of Marine and Fisheries, under the provisions of "The Fisheries Act" and section 8 thereof, or from some duly authorized officer of the Government of the Province of Quebec, is prohibited in the Province of Quebec.

SEC. 10.—*Lobsters.*

(See General Regulations and Fisheries Act.)

SEC. 11.—*Maskinongé.*

1. No one shall fish for, catch, kill, buy, sell or possess any maskinongé from the 15th day of April to the 15th day of June, both days inclusive, in each year.

2. No maskinongé less than twenty-four inches in length shall be retained or kept out of the water, sold, offered or exposed for sale or had in possession, and any one who may accidentally take any maskinongé less than twenty-four inches in length shall immediately return such fish to the water alive and uninjured.

SEC. 12.—*Quananiche.*

1. No one shall fish for, catch, kill, buy, sell or possess any Ouananiche from the 1st day of October, to the 30th of November, both days inclusive, in each year.

2. The use of seines or other nets for the purpose of catching Ouananiche is prohibited.

SEC. 13.—*Oysters.*

(See General Fishery Regulations.)

SEC. 14.—*Pickerel (Doré).*

1. No one shall fish for, catch, kill, buy, sell or possess any pickerel (doré) from the 15th day of April to the 15th day of May, both days inclusive, in each year.

2. No pickerel (doré) less than fifteen inches in length shall be retained or kept out of the water, sold, offered or exposed for sale, or had in possession, and any pickerel (doré) less than fifteen inches in length that may be accidentally taken, must immediately be returned to the water alive and uninjured.

SEC. 15.—*Prohibition of Nets.*

1. Fishing by means of nets of any kind is prohibited in the Iroquois river in the County of St. Johns in the Province of Quebec.

2. Fishing with nets of any kind in the lakes and tributary streams in the counties of Missisquoi (excepting in Missisquoi bay), Shefford, Brome, Drummond, Richmond, Wolfe, Sherbrooke, Stanstead, Compton, Megantic and Beause, in the province of Quebec, is prohibited.

And no night lines used in the above prohibited districts shall have more than 100 hooks each.

3. Fishing with nets of any kind in the waters of Lakes Two Mountains, St. Francis and St. Louis between a line drawn from the western boundary of Glengarry county, in the province of Ontario, and Huntingdon county, in the province of Quebec, and a line drawn across Lake St. Louis coinciding with the Canadian Pacific Railway bridge, including the waters of Caughnawaga and Chateaugnay rivers, and in all the outlets of the Ottawa river up to the Carillon dam, including the said Lake of Two Mountains and Rivers Jesus and des Prairies, is prohibited.

4. No fishing with seines, hoop nets (verveux), or nets of any kind is allowed during the months of July and August in each year in that part of the St. Lawrence river extending from a line drawn from the eastern boundaries of the counties of Champlain and Nicolet to the international boundary line between Canada and the United States, including the Ottawa, Richelieu, Yamaska, St. Francis, and all the other tributaries of the St. Lawrence within the above named limits.

SEC. 16.—*Propagation of Fish.*

1. The following waters in the Province of Quebec are set apart for the natural and artificial propagation of fish:—

(a) The streams known as North River, in the Counties of Argenteuil, Two Mountains and Terrebonne, and Salmon River, in the County of Huntingdon, with limits extending one half mile on either side of the mouth of each.

(b) The Magog and Massawippi Rivers, in the Counties of Stanstead and Sherbrooke and the waters and tributary streams of Lake Massawippi up to and including a distance of one mile from the said Lake Massawippi, and the River Negro, up to Burrough's Falls, and the Tomofobia River, up to Boynton Dam, are set apart for the natural and artificial propagation of fish, except that angling with a rod and line may be allowed from the 24th May to the 10th October, in each year, both days inclusive.

(c) The waters of Brome Lake, and its inlets for a distance of one mile from said lake, are set apart for the natural and artificial propagation of fish, from the 1st day of March to the 15th day of June in each year, and no other mode of fishing is allowed during the open season than angling by hand with hook and line, or trolling with a spoon.

(d) The waters of Rivière du Sud (South River) within the Parish of St. George de Henryville, in the County of Iberville, with limits extending one half mile on each side of the mouth of the said Rivière du Sud and to mid-channel of the Richelieu River, opposite the above stated reserve, at the mouth of said stream, are set apart for the natural propagation of fish.

(e) The River Escoumins and its tributaries, in the County of Saguenay, are set apart for the artificial propagation of fish.

(f) The Rivers Patapedia and Tomkedgewick, with their tributaries, are set apart for the propagation of fish.

(g) Mowat's Lake, and the salmon fishing stations off Tadousac, known as the Point Rouge, Petites Iles and Bark Cove fisheries, in the County of Chicoutimi and Saguenay, in the Province of Quebec, used and fished in connection with the Government Fish Hatchery at Tadousac, shall be and the same are hereby set apart for the natural and artificial propagation of fish.

SEC. 17.—*Quahaugs or Hard-shell Clams.*

(See General Fishery Regulations.)

SEC. 18.—*Salmon.* (See also *Fisheries act.*)

1. Salmon shall not be fished for, caught or killed from the 31st day of July to the 1st day of May, in the province of Quebec: Provided always that it shall be lawful to fish for, catch and kill salmon with a rod and line, in the manner known as fly-surface fishing, from the 1st day of February to the 15th day of August, in each year, both days inclusive.

Provided that fishing for and killing salmon with a rod and line in the manner known as fly surface fishing, on the north shore of the Gulf of St. Lawrence, east of, but not including the Natashquan River; in the Rimouski River, Murray River, River du Gouffre, and in the Jacques Cartier River, Portneuf County, shall be permitted from the 1st day of February to the 31st day of August, both days inclusive, in each year.

2. From the time of low water nearest six o'clock in the afternoon of every Saturday to the time of law water nearest six o'clock in the forenoon of every Monday no one shall fish for, catch or kill salmon in tidal waters.

3. In non-tidal waters frequented by salmon no one shall fish for, catch or kill salmon, or any other fish, between nine o'clock in the evening of every Saturday and six o'clock on the following Monday morning.

SEC. 19.—*Smelts.*

1. No one shall fish for, catch, kill, buy, sell, or have in possession any Smelts from the 1st day of April to the 30th day of June, both days inclusive, in each year.

2. Smelts shall not be fished for, caught nor killed by means of any kind of bag-nets having meshes of a less size than one inch and a quarter, extension measure.

3. The use of bag-nets for the purpose of catching Smelts is prohibited, except under special license from the Minister of Marine and Fisheries or from some duly authorized officer of the Government of the Province of Quebec, and then only from the 1st day of December to the 15th day of February in each year, both days inclusive.

4. The use of Seines for the purpose of catching Smelts is prohibited.

(a) Provided that seining for smelts may be carried on from the 1st day of October until the close of navigation in each year within the limits of the County of Gaspé and within such portion or portions of the County of Bonaventure as are without railway communication; provided always that such localities as may from time to time become connected with the railway system of Canada shall be amenable to the regulations now in force covering smelt fishing in the Dominion.

(b) Provided further that bag-net fishing for smelts shall be and the same is hereby prohibited within the above-mentioned limits, under the same conditions and subject to the same proviso as regards the extension of railway communication as above set forth; such prohibition to be removed from localities where the privilege of seining ceases by reason of incidental railway communication.

688 (c) Also provided that seining for smelts from the 1st October to the close of navigation in each year may be conducted on that part of the coast of the County of Saguenay which extends from Bersimis to Natashquan, under special permit from the Minister of Marine and Fisheries.

SEC. 20.—*Sturgeon.*

1. The use of bare, unbaited hooks, grapnels or spears for the capture of sturgeon is prohibited.

2. No one shall fish for, catch, kill, buy, sell or have in possession any sturgeon from the 1st to the 30th day of June, both days inclusive, in each year.

3. No sturgeon less than thirty-six inches in length shall be retained or kept out of the water, sold, offered or exposed for sale or had in possession, and any one who may accidentally take any sturgeon less than thirty-six inches in length, shall immediately return such fish to the water alive and uninjured.

SEC. 21.—*Trout.*

1. *Grey Trout or Lake Trout and Land-locked Salmon.*

No one shall fish for, catch, kill, buy, sell or possess any Grey Trout, Lake Trout or Land-Locked Salmon from the 15th day of October to the 1st day of December, both days inclusive, in each year.

2. *Speckled Trout.*

(a) No one shall fish for, catch, kill, buy, sell or possess any Speckled Trout (*Salvelinus fontinalis*) from the 1st day of October to the 30th day of April, both days inclusive, in each year.

(b) Except in the tidal waters of the province of Quebec, on the north shore of the River St. Lawrence, from the mouth of the River Saguenay to Blanc Sablon, no one shall at any time fish for, catch or kill Trout by any other means than angling with hook and line.

(c) Fishing for Speckled Trout, (*Salvelinus fontinalis*) through the ice is prohibited.

3. *Export of certain kinds of Trout prohibited.*

1. No one shall receive, ship, transport or have in possession for the purpose of shipping or transporting out of the Dominion of Canada any speckled trout, river trout or sea trout; provided—

(a) Any person may so ship such trout caught by him for sport, to the extent of 25 lbs. in weight, if the shipment is accompanied by a certificate to that effect from either the local fishery officer in whose district the fish were caught or from the local station agent adjacent to the locality in which they were caught or is accompanied by copy of the official license or permit issued to the person making the shipment.

(b) No single package of such trout shall exceed 25 lbs. in weight, nor shall any person be permitted to ship more than one package during the season.

SEC. 22.—*Whale fishing.*

(See Fisheries Act.)

SEC. 23.—*Whitefish.*

No one shall fish for, catch, kill, buy, sell or possess any white fish between the 10th day of November and the 1st day of December, both days inclusive, in each year.

[Special Fishery Regulations for Ontario, Manitoba, Saskatchewan, Alberta, and the North-West Territories, including the Yukon, were here inserted.]

No. 97.—1903, September 9: Canadian Order in Council amending Fishery Regulations.^a

AT THE GOVERNMENT HOUSE AT OTTAWA,
Wednesday, the 9th day of September, 1908.

Present: His Excellency the Governor General in Council.
His Excellency the Governor General in Council, in virtue of the provisions of section 54 of The Fisheries Act, chapter 45 of the Re-

^a Now questioned by the United States, see Appendix, pp. 4-5.

vised Statutes of Canada, 1906, is pleased to make and doth hereby make the following Fishery Regulation:—

The use or operation of vessels known as "Steam Trawlers," operating "beam," "otter," or other trawls for the purpose of catching fish, is prohibited within the three mile limit and in the bays and harbours of Canada.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

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NEWFOUNDLAND.

No. 98.—*1611, August 13: Orders issued by John Guy, Governor of Newfoundland.*

Certain orders for the Fishermen to observe and keep in the Newfoundland, published the thirteenth day of August, 1611, by Mr. John Guy, then Governor of the Colony there.

Whereas by authority of our sovereign Lord James, by the grace of God of England, Scotland, France, Ireland and Newfoundland King, a plantation and government is begun to be settled within this country of Newfoundland, And whereas among those persons that use the trade of fishing in these parts, many disorders, abuses and bad customs are crept in which are continued and yearly practised more of a corrupt usage than of malicious designs, forasmuch as it concerneth not only the benefit and profit of the trade of fishing, but also the public behoof and good, if all such grievances should be stopped, to the end that all persons should reform themselves in their proceedings and not plead ignorance that any prohibition was made, The now Governor of the said country in our said Sovereign Lord the King's name doth straightly charge and command all persons of what nation soever, that shall frequent those parts to exercise the trade of fishing, as well strangers as subjects to our said sovereign Lord the King, that they offend not in any thing forbidden by virtue of this proclamation, under the penalties herein specified, and as they will answer to the contrary at their perils. Dated in Cupers Cove the 13th day of August Anno Regni Regis Jacobi Nono 1611.

First that no ballast, press stones or any thing else hurtful to the harbours be thrown out to the prejudice of the said harbours, but that it be carried ashore and laid where it may not do any annoyance under the pain of five pounds for every offence.

Item that no person destroy deface or any way work any spoil or detriment to any stage, cook room, flakes, spikes, nails or any thing else that belongeth to the said stages whatsoever but that only he or they content themselves with such stage or stages as shall be needful for them and to repair them with timber to be fetched out of the woods and not with the taking down of other stages under the pain of ten pounds for every offence.

That every Admiral of each harbour for the time being rescue only so much beech and flakes or both as is needful for the number of boats, that he shall use with an overplus, only for one boat more than he hath, and that every person coming after, content himself with what he shall have necessary use for, without keeping or detaining any more to the prejudice of others next coming, under the pain of ten pounds, besides satisfaction to be made to the party next coming, that is injured thereby.

That no person cut out deface or any way alter or change the marks of any boats under the pain of five pounds for every offence.

That no person convert to his own use the boats belonging to others without their consent neither take them from the places where they be left by the owners, except in case of necessity, and then to give notice thereof to the Admiral of the harbour, and others, that the right owner may know what is become of them, under the pain of five pounds, for every offence, besides satisfaction to the party grieved.

That no person set fire in any of the woods of this country under the pain of ten pounds for every offence.

That no person at the end of the voyage destroy the stage, cook-room or flakes that he hath that year formerly used under the pain of ten pounds for every offence.

That no master of any ship do hereafter receive into his ship or custody any person or persons whatsoever, being of the Colony that are there already planted, or hereafter to be planted, by virtue of his Majesty's letters patents under his great seal of England without special warrant under the hand writing of the Governor of the said Colony or Colonies in the Newfoundland aforesaid, and that every Master of any ship which shall so offend shall^a

No. 99.—1765, April 8: *Rules, Orders, and Regulations issued by Hugh Pallisser, Governor of Newfoundland.*

By his Excellency Hugh Pallisser, Governor and Commander in Chief in and over the Island of Newfoundland, &c., &c.

Rules, Orders, and Regulations to be observed on the coast of Labrador and on the Islands of Anticosty and the Madelines.

Whereas the property of all the Land on the said coast of Labrador and the Islands of Anticosty and Madeline is in the Crown,
690 and since the Conquest thereof no part of it has been lawfully given or granted away, and no power being vested in me to give or grant any exclusive Possession or Privileges to any persons whatever; and whereas it has been the policy of the Nation to give to His Majesty's Subjects from Britain in preference to all others every Encouragement to carry on the Fisheries.

In order to invite Adventurers into that extensive Field for fishing and Trade, I hereby order and direct, that the whole shall be publick and free to all the King's British Subjects in preference to all others till His Majesty's further Pleasure shall be known under the following Regulations, subject to such Alterations and Additions as may hereafter be found necessary for extending and improving that valuable branch of Trade.

First: All the Rules and Regulations ordained by that excellent Act of the 10th and 11th of William 3rd. intituled "an Act for the Encouragement of the Trade and Fisheries to Newfoundland," shall be strictly observed on the Coast and Island above-mentioned, except that Proviso in the said Act, which says, "provided always that all

^a The rest is wanting.

such Persons as since the 25th day of March 1685 have built, &c.," is not to be in force on the Coast and Islands above-mentioned.

Second: All British Whale Fishers are to chuse places on the shore for landing, to cut up their Whales and other Oil Fish, and to make their Oil as they respectively arrive with fish to Land, observing that they are never to occupy or use any place that ever has or hereafter may be used by any British Cod Fisher. Whale Fishers from the Plantations may fish within the Gulph of St. Lawrence for Whales only, but not for Cod or any other Fish, and they may Land on the said Coasts and Islands within the Gulph, but no where else, to cut up their Whales, and to make their Oil, and for that purpose may use any place that they find unoccupied, and that never has been used by any British fishing Ships for either Whale, Cod or Seals, taking especial Care, that they do nothing to annoy or hinder any British Fisher whatever.

Third: Whereas Complaint has been made unto me, that the Whale Fishers from the Plantations have a practice of turning adrift the useless part of the Carcass of Whales, to the annoyance and damage of neighbouring Fishers for Cod and Seals, or else leave them on the shore, which is a great Nuisance; I hereby order and direct that all Whale Fishers shall carry the Carcass of the Whales to at least three leagues from the shore.

Fourth: No Vessels shall be considered as a British fishing ship, nor be entitled to the Privileges thereof or of being Admirals of Harbours on the Coasts and Islands above-mentioned, except such as clear out from Britain the same Season, and carry out Men to be actually employed in the Fishery, and to return to Britain when the Fishing Season is over.

Fifth: If any person commits murder whether any of His Majesty's Christian or Indian Subjects on the Coast or Islands above-mentioned or any other Capital Crimes, all His Majesty's Subjects are hereby required and authorised to apprehend such offenders, and carry them before the Commanders of any of His Majesty's Ships, or before admirals of any Harbour, and Oath being made before them of the fact, the Captains of any of His Majesty's Ships are hereby ordered and directed to secure them, and, when they join me, to bring such offenders with them in order to their being tried at the general assizes.

Given under my Hand this 8th April 1765.

HUGH PALLISER.

To all whom it may concern
By Command of his Excellency.

No. 100.—1765, August 28: Rules and Regulations issued by Hugh Palliser, Governor of Newfoundland.

By His Excellency Hugh Palliser, Governor and Commander in Chief in and over the Island of Newfoundland, the Coast of Labrador, and all the Territories dependent thereupon.

Whereas a most valuable Fishery and Trade may be carried on upon the Coast of Labrador, for Establishing of which, upon the best footing for the benefit of the Nation, some Rules, Orders, and Regulations are immediately necessary, and above all things first to banish all disorderly People who cannot be depended upon for preserving

good Order and Peace with the Savages (upon which the success of His Majesty's intentions for opening this extensive Field of Commerce to His Subjects wholly depends) I therefore hereby Order and direct, that the following Rules, Orders, and Regulations, shall be strictly observed, on all the Coast of Labrador within my Government, subject to such alterations as may be found necessary for the aforementioned purposes.

1st. That no inhabitant of Newfoundland, no By Boat-keeper, nor any Person from any of the Colonies, shall on any pretence whatever go to the Coast of Labrador (except Whale Fishers within the Gulph of St. Lawrence from the Colonies as allowed by my order of the 8th of April last) and if any such are found there, they shall be corporally punished for the first offence, and the second time their Boats shall be seized for the Publick use of British ship Fishers upon that Coast.

2d. That no Person what ever shall resort to Labrador to
691 Fish or Trade but ship Fishers, Annually arriving from His
Majesty's Dominions in Europe, lawfully cleared out as ship
Fishers, carrying at least 21 men, all engaged to return after the
Season is over to the King's Dominions in Europe.

3d. That all the Rules, Orders and Regulations (respecting British Ship Fishers) ordained by that Excellent Act of the 10th and 11th of William the 3d. intitled an Act for the Encouragement of the Trade and Fishery of Newfoundland shall be strictly observed on the Coast of Labrador.

* * * * *

6th. All British Fishing ships as well as the Admirals of the Harbours during the Summer's Fishery for Cod, that is, from the time of their arrival, to the Time of their departure, may also carry on the Whale Fishery, this the early arriving Ships, may do with great advantage there being abundance of Whales on the Coast in the Months of April, May and June. Given under my hand on board His Majesty's Ship Guernsey in Pitt's Harbour within Chateau Bay on the Coast of Labrador this 28th day of August 1765.

HUGH PALLISER.

By Command of His Excellency.

Endorsed. No. 7. Regulations Establishing a British Fishery for Cod, Whale, Seals, and Salmon on the Coast of Labrador. 1765.

No. 101.—1766, August 1: Proclamation by Hugh Pallisser Governor of Newfoundland.

By His Excellency Hugh Pallisser Governor and Commander in Chief in and over the Island of Newfoundland, the Coast of Labrador, and of all the Territories dependent thereon,

Whereas a great many Vessels from His Majesty's Plantations, Employed in the Whale Fishery, resort to that part of the Gulph of St. Lawrence, and the Coast of Labrador, which is within this Government, and as I have been informed, that some Apprehensions have arisen amongst them, that, by the Regulations made by me relating to the different Fisheries in those parts, they are wholly Precluded from that Coast;

Notice is hereby given, that the King's Officers, Stationed in those parts, have always had my Orders to Protect, Assist and Encourage by every means in their Power, all Vessels from the Plantations Employed in the Whale Fishery, coming within this Government; and Pursuant to His Majesty's Orders to me, all Vessels from the Plantations will be admitted to that Coast, on the same footing as they ever have been admitted in Newfoundland; the Ancient Practices and Customs Established in Newfoundland respecting the Cod Fishery, under the Act of Parliament passed in the 10th and 11th years of William 3rd. commonly called the Fishing Act, always to be Observed.

And by my Regulations for the Encouragement of the Whale Fishers, they are also, under certain necessary Restrictions therein Prescribed, permitted to land and cut up their Whales in Labrador; this is a Liberty that never has been allowed them in Newfoundland, because of the danger of Prejudicing the Cod Fishery, carried on by our Adventurers Ships, and by Boat-keepers from Britain, Lawfully Qualified with Fishery Certificates according to the aforementioned Act, who are fitted out at a very great risque and expence in complying with the said Act; therefore they must not be liable to have their Voyages overthrown or rendered precarious by any means, or by any other Vessel whatever. And

Whereas great Numbers of the Whaling Crews arriving from the Plantations on the Coast of Labrador early in the Spring, considering it as a lawless Country, are Guilty of all sorts of outrages before the arrival of the King's Ships, Plundering whoever they found on the Coast too weak to resist them, Obstructing our Ship-Adventurers from Britain by sundry ways, Banking amongst their Boats along the Coast, which ruins the Coast Fishery, and is contrary to the most Ancient and most strictly Observed Rule of the Fishery, and must not be suffered on any account; also by destroying their fishing Works on the Shore, stealing their Boats, Tackle and Utensils, firing the woods along the Coast, and Hunting for, and Plundering, taking way, or Murdering the poor Indian Natives of the Country; by these Violences, Barbarities and other Notorious Crimes and Enormities that Coast is in the utmost confusion, and with respect to the Indians is kept in a state of War;

For preventing these Practices in future, Notice is hereby given, that the King's Officers in those parts are Authorized and strictly directed to apprehend all such Offenders within this Government, and to bring them to me to be tryed for the same at the General Assizes at this Place; and for the better Government of that Country, for Regulating the Fisheries, and for Protecting His Majesty's Subjects from Insults from the Indians, I have His Majesty's Commands to Erect Block Houses, and to Establish Guards along the Coast.

This Notification is to be put up in the Harbours in Labrador with my Government.

Given under my Hand at St. Johns in Newfoundland 1st August 1766.

HUGH PALLISER.

By Order of His Excellency.

Endorsed: Copy of an Order of Govr. Palliser respecting depre-
dations committed on the Coast of Labrador and in Newfoundland,
dated August 1. 1766.

692 No. 102.—1833, March 27: Extract from Newfoundland Statute, 3 Wm. IV, Cap. 1.

An Act to provide for the performance of Quarantine, and more effectually to provide against the introduction of Infectious or Contagious Diseases, and the spreading thereof in this Island.

[27th March, 1833.]

Whereas a malignant and highly dangerous disease, called the Cholera or Spasmodic or Indian Cholera, has for some time past prevailed on the Continent of Europe, in Great Britain, and on the Continent of America, and apprehensions are entertained that the same may be introduced into this Island:

Be it therefore enacted, by the Governor, the Council, and Assembly, that henceforth all Vessels, as well His Majesty's Ships of War as others, coming from or having touched at any place from whence the Governor or Commander-in-Chief, by and with the advice and consent of His Majesty's Council, shall have adjudged and declared it probable any infectious disease or distemper highly dangerous to the health of the inhabitants of this Island and its Dependencies, whether such disease be Plague, Small Pox, Yellow Fever, Typhus Fever, Cholera Morbus, or any other infectious disease or contagious distemper whatsoever, may be brought; and all Vessels and Boats receiving any Persons, Goods, Wares and Merchandise, Packets, Packages, Baggage, Wearing Apparel, Books, Letters, or other article whatsoever, from or out of any Vessel so coming from or having touched at such infected place as aforesaid, whether such Persons, Goods, Wares and Merchandise, Packets, Packages, Baggage, Wearing Apparel, Books, Letters, or other article whatsoever, shall have come or been brought in such Vessels, or such Persons shall have gone, or articles have been put on board the same, either before or after the arrival of such Vessels at any port or place in this Island or its Dependencies, and whether such Vessels were or were not bound to any port or place in this Island or its Dependencies, and all Persons, Goods, Wares and Merchandise, Packets, Packages, Baggage, Wearing Apparel, Books, Letters, or other article whatsoever, on board of any Vessel so coming from or having touched at such infected place as aforesaid, or on board of any such receiving Vessels or Boats as aforesaid, shall be, and be considered to be, liable to Quarantine, within the meaning of this Act, and of any Order or Orders which shall be made by the Governor or Commander-in-Chief of this Island and its Dependencies, for the time being, by and with the advice of His Majesty's Council, concerning Quarantine and the prevention of infection, from the time of the departure of such Vessels from such infected place as aforesaid, or from the time when such Persons, Goods, Wares, Merchandise, Packets, Packages, Baggage, Wearing Apparel, Books, Letters, or other articles, shall have been received on board respectively, and all such Vessels and Boats as aforesaid, and all Persons (as well Pilots as others), Goods, Wares and Merchandise, and all other articles aforesaid, whether coming or brought in such Vessels or Boats from such infected place as aforesaid, or going or being put on board the same either before or after the arrival of such Vessels or Boats at any port or place in this Island or its Dependencies, and all Persons, Goods, Wares and Merchandise, and all other articles as aforesaid, on board such receiving Vessel or Boat

as aforesaid, shall, upon their arrival at any such port or place, be obliged to perform Quarantine in such place or places, for such time and in such manner, as shall from time to time be directed by any such Governor or Commander-in-Chief for the time being, by his Order or Orders in Council notified by Proclamation or published in the *Royal Gazette* Newspaper at St. John's; and that until such Vessels and Boats, Persons, Goods, Wares and Merchandise, and other articles as aforesaid, shall have respectively performed and shall have been duly discharged from Quarantine, no such Persons, Goods, Wares and Merchandise, or other articles as aforesaid, or any of them, shall either before or after the arrival of such Vessels or Boats at any port or place in this Island or its Dependencies, come or be brought on shore, or go and be put on board any other Vessel or Boat in order to come or be brought on shore in any such port or place, although such Vessels so coming from such infected place as aforesaid may not be bound to any port or place in this Island or its Dependencies, unless in such manner and in such cases and by such license as shall be directed or permitted by such Order or Orders made by such Governor or Commander-in-Chief, for the time being, in Council as aforesaid; and all such Vessels and Boats, whether coming from such infected places as aforesaid, or being otherwise liable to Quarantine as aforesaid, and all Persons (as well Pilots as others), Goods, Wares and Merchandise, and other articles as aforesaid, whether coming or brought in such Vessels or Boats, or going or being put on board the same, either before or after the arrival of such Vessels or Boats at any port or place in this Island or its Dependencies, and although such Vessels or Boats shall not be bound to any port or place in this Island or its Dependencies, and all Commanders, Masters, and other persons having the charge or command of any such Vessels or Boats, whether coming from any infected place or being otherwise liable to Quarantine as aforesaid, shall be subject to all provisions, rules, regulations and restrictions, contained in this Act or in any Order or Orders which shall be made by such Governor or Commander-in-Chief for the time being as aforesaid, in Council, concerning Quarantine and the prevention of infection, and to all pains, penalties, forfeitures and punishments contained in this Act for any breach or disobedience thereof, or of any Order or Orders of the said Governor in Council made under the authority thereof.

* * * * *

XV.—And whereas it may be necessary, for the public security, to prevent all communication whatever with Vessels performing Quarantine:—*Be it therefore further enacted*, that it shall and may be lawful to and for the Governor or Commander-in-Chief, for the time being, by his Order or Orders in Council, notified by Proclamation, or published in the Royal Gazette, to prohibit all Persons, Vessels and Boats whatsoever, from going under any pretence whatsoever within the limits of any station which by any Order or Orders in Council as aforesaid has been or may be assigned for the performance of Quarantine: and if any person whatsoever after such notification or publication of any such Order or Orders in Council shall presume under any pretence whatsoever to go with any Vessel or Boat within the limits of any such station, he

or she shall for every such offence forfeit and pay the sum of *Fifty Pounds Sterling* money as aforesaid.

* * * * *

No. 103.—1834, September 10: Proclamation by Sir Thomas John Cochrane, Governor of Newfoundland.

PROCLAMATION.

By His Excellency Sir Thomas John Cochrane, Knight, Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies, &c.

[L. S.] THOS. COCHRANE.

Whereas there is reason to believe that the Asiatic Cholera or some other malignant disease does at present prevail at *Quebec* and other ports of *Lower Canada*, at *Halifax* in the Province of *Nova Scotia*, and at *New York* in the *United States of America*, I the Governor do therefore, by and with the advice of His Majesty's Council, hereby order and direct as follows:—

That all the ports of *Lower Canada*, of *Halifax*, and *New York* aforesaid, shall be deemed to be infected, and that all Ships and Vessels arriving from any of the said ports at any port or place in this Island, or within the dependencies of its Government, shall be subject and liable to the performance of strict *Quarantine*, for and during so many days as shall, after their arrival at any port or place within this Island or its dependencies, make *Thirty days*, to be computed from the day on which any such Ship or Vessel shall have sailed from any port so hereinbefore declared to be deemed infected.

And I do further order and direct that all the ports of *Ireland*, *Spain*, *Portugal*, and those of *Foreign America* to the southward of the 35th degree of North Latitude, and also all the ports of the Peninsula of *Nova Scotia* not declared infected, shall be deemed to be suspected; and that all ships and vessels arriving from any such suspected Port, at any port or place in this Island, or within the dependencies of its Government, shall be liable and subject to perform a *Quarantine* of observation or precaution so as to complete a period not exceeding *Twenty days* from the time of the said vessel's departure from such suspected port, and not less than *Forty-eight hours* from the time of the said vessel's arrival at a port in this Colony.

And I do further order and direct that all ships and vessels coming as aforesaid, from any port or place declared to be deemed to be infected, and arriving at any port or place in this Island situate between *Cape Race* and *Point de Grates* on the north of *Conception Bay*, shall perform quarantine at *Little Belle Isle* in *Conception Bay*: Provided nevertheless that any such ship or vessel as shall have employed *Thirty days* in her passage from such infected port may, if otherwise free from suspicion, be permitted to perform a *Quarantine* of observation for the period of *Forty-eight hours* or more at the port or place of her arrival Provided also that any ship or vessel, having *Cattle* or *Sheep* on board, may, before proceeding to the said *Quarantine Station*, be permitted to anchorage at the port or place of her

arrival, for the purpose of landing such Cattle or Sheep, which shall be swam or towed in the water to the shore, at such convenient place as the Quarantine Officer of the port shall direct and appoint; and such ship or vessel shall forthwith proceed direct to Sea or repair to the station appointed for the performance of Quarantine.

*And I do further order and direct that all Ships and Vessels coming from any port or place declared to be deemed infected, and arriving at any port or place within this Island or the dependencies of its Government other than such ports or places situate between *Cape Race* and *Point de Grates* aforesaid, shall perform strict Quarantine at such place as the Justice or Justices of the Peace of the port or place where such ship or vessel shall arrive, may direct and appoint.*

*And I do hereby henceforth strictly prohibit all persons other than those who may be performing Quarantine from landing upon or visiting the said Island of *Little Belle Isle*, and also strictly enjoin and command all persons not to approach, in any boat or vessel, any Ship or Vessel stationed in the performance of Quarantine upon the Quarantine Station of *Little Belle Isle* aforesaid, nearer to or within the distance of *one quarter of a mile* from such ship or vessel, without the permission in writing of the person in charge superintending the said Quarantine Station, under the forfeiture or penalty of *Fifty pounds*, to which all persons offending in such case will become liable under the provisions of the 15th Section of the *Quarantine Act*, whereby such offenders will also be subject to the detention of their persons and the performance of strict quarantine.*

And the Superintendents and other Officers of Quarantine, and all other persons whom it may concern, are hereby required and commanded to take due notice thereof, and govern themselves accordingly.

Given under by hand and seal, at the Government House, at St. John's, in the aforesaid Island, the 10th day of September, in 5th year of His Majesty's Reign, and in the Year of Our Lord 1834.

By his Excellency's command,

JAMES CROWDY, *Secretary.*

694 No. 104.—1834, September 12: Supplementary Proclamation.

By His Excellency the Governor in Council.

It having been represented that *Kelly's Island*, in Conception Bay, affords a more desirable anchorage than *Little Belle Isle*, for vessels ordered to perform Quarantine, as regards both the safety and the extent of the Anchoring Ground: It is Ordered by *His Excellency* the Governor, in Council, that *Kelly's Island* be accordingly substituted for *Little Belle Isle*, as the place to which Vessels coming from infected Ports, and ordered to perform Quarantine, shall proceed for that purpose; and that the Penalties referred to in the above Proclamation, as attaching to a breach of the regulations therein prescribed for *Little Belle Isle*, will equally attach to their infringement at *Kelly's Island*.

By his Excellency's command,

JAMES CROWDY, *Secretary.*

GOVERNMENT HOUSE, September 12, 1834.

No. 105.—1834, June 12: Newfoundland Statute, 4 Wm. IV (2nd Session), Cap. 4.

An Act for the Establishment of Light Houses.

[12th June, 1834.]

Whereas in consequence of the want of Light Houses on the coasts of the Island of Newfoundland, Vessels have oftentimes been wrecked and lost thereon, and are frequently delayed in entering the Ports and Harbours of the said Island: *Be it therefore enacted* by the Governor, Council and Assembly of Newfoundland, in Parliament assembled, that it shall and may be lawful for the Governor or Acting Governor of Newfoundland for the time being, by and with the advice of His Majesty's Council, to appoint Five Persons to be Commissioners of Light Houses for the purpose of carrying into effect the provisions of this Act; and in case of the death, absence or resignation of any of such Commissioners, it shall and may be lawful for the Governor or Acting Governor for the time being, by and with the advice aforesaid, to nominate and appoint a Commissioner or Commissioners in his or their stead, who shall have the like power and authority conferred by this Act upon the other Commissioners.

II.—And whereas there is already erected and provided at the entrance of the Port of St. John's in this Island, a building for the purpose of a Light House, and other apparatus necessary for lighting the same, but which cannot be put in operation for want of adequate means to defray the expense thereof: *Be it therefore further enacted*, that there shall be raised, levied, collected, and paid to His Majesty, his Heirs and Successors, upon every Merchant Ship or Vessel entering the said Port of St. John's, (other than Coasting or Fishing Vessels) a duty or rate of One Penny Sterling, per ton, for every ton, Register admeasurement, of each respective Vessel as aforesaid; *Provided* that such Duty shall not be levied on any one Vessel more than twice in any one year. And there shall be in like manner raised, levied, collected and paid upon every decked Vessel employed in the Coasting Trade of this Island or the Labrador, and entering the said Port of Saint John's, the Duty or Rate of Ten Shillings Sterling for each and every Vessel exceeding Sixty Tons burthen, Register Tonnage, per annum, and the like duty or rate of Seven Shillings and Six Pence Sterling for each and every Vessel less than Sixty Tons burthen, Register Tonnage, per annum.

III.—And whereas it is highly necessary that a Light-House should be erected and established on or near to Cape Spear: *Be it therefore further enacted*, that the Treasurer of the Island shall, and he is hereby authorised to raise, by loan, from such person or persons, or Body Corporate or Politic, as will advance the same, a sum not exceeding in the whole one thousand pounds sterling, chargeable upon and to be repaid out of the Public Funds of this Colony, together with Interest, at a rate not exceeding six per centum per annum thereon, in annual instalments of not more than two hundred pounds sterling, in the way and manner hereinafter provided.

IV.—*And be it further enacted*, that the said Commissioners, or the major part of them, shall, without delay, procure plans of the said intended erection and building, and estimates of the expenses of materials and workmanship necessary to complete the same, which,

together with all Contracts that may be entered into by the said Commissioners, shall, previously to their being executed, be laid before the Governor or Acting Governor for the time being, in Council for approval.

V.—*And be it further enacted*, that the Governor or Acting Governor for the time being shall, and he is hereby authorised and empowered to draw Warrants on the Treasurer of the Island, on the requisition of the said Commissioners, or the major part of them, for such sum or sums of money as shall be necessary to defray and disburse the expenses of lighting and maintaining the aforesaid Light-Houses or either of them, and the providing of Bells or Cannon and Boats and other appurtenances for the same.

VI.—*And be it further enacted*, that when and so soon as the said Light House shall have been completed near Cape Spear as aforesaid, it shall and may be lawful for the Governor or person administering the Government of this Island for the time being to 695 issue a Proclamation under the Great Seal, signifying that the same hath been so completed, and that thenceforth there shall be raised, levied, collected and paid to His Majesty, his Heirs, and Successors, upon every Merchant Ship or Vessel, (other than Coasting or Fishing vessels) coming into any port or harbour of this Island between Cape Race and Bonavista, excepting the said harbour of St. John's, a duty or rate of one penny, sterling, per ton, for every ton register admeasurement of each respective vessel as aforesaid; and upon all Merchant Ships and Vessels (other than Coasting and Fishing vessels) entering the said harbour of St. John's, a rate or duty of one half penny, sterling, per ton, register tonnage.

VII.—*And be it further enacted*, that the Commissioners of Light Houses shall have the charge of the Public Buoys, Chains and Moorings in the harbour of St. John's, and shall also have power from time to time, to make such Rules and Regulations respecting the use, preservation and management of the said buoys, chains and moorings, as they may deem necessary, which shall be binding on all parties using the same; and that all expenses incurred in the management of the said buoys, chains and moorings shall be defrayed out of the funds applicable to the maintenance of the Light Houses under the provisions of this Act, and shall be drawn by Warrant on the Treasurer of the Colony in the manner hereinbefore mentioned.

VIII.—*And be it further enacted*, that during such time as there shall be a Superintendent of Quarantine, such Superintendent for the time being shall be one of the said Commissioners, and shall have the especial superintendence of the said buoys, chains and moorings.

IX.—*And be it further enacted*, that all such said duties or dues shall be levied, collected and received by the Collector or Sub-Collector of His Majesty's Customs at each respective port aforesaid, previously to such vessels respectively being entered at the Customs; and all monies arising from the aforesaid duties shall be paid quarterly to the Treasurer of the Colony, to be appropriated in such manner as the Colonial Legislature shall from time to time direct.

X.—*And be it further enacted*, that the said Treasurer shall be and he is hereby authorised and empowered to grant and issue to the respective persons who shall so lend and advance money for the purposes of this Act, one or more Debenture or Debentures in the form

and to the effect hereinafter set forth—which Debentures shall be issued for sums of not less than one hundred pounds, respectively, and shall express therein the rate of Interest agreed to be paid, and the day of the month and year in which they shall be respectively issued, and shall be numbered in succession from *One* upwards and shall be signed by the said Treasurer for the time being, and countersigned by the Colonial Secretary, and shall be assignable and transferable by endorsement of the Parties to whom the Debentures shall respectively be issued.

XI.—And be it further enacted, that the Interest on the said Debenture shall be payable half yearly, on the last days of June and December in each year, at the office of the said Treasurer and the said Treasurer shall not be required to commence the payment of the Instalments hereinbefore mentioned, until after two years from the date of the said Debentures respectively.

No. 106.—1835, May 8: Newfoundland Statute, 5 Wm. IV (2nd Session), Cap. 7.

An Act for the Establishment of a Light House on Harbour-Grace Island.

[8th May, 1835.]

Whereas it is considered that the question of a Light House on Harbor-Grace Island, in Conception Bay, would tend much to the safety of ships and vessels bound for, and putting into, the ports and harbours of the said Bay:—

Be it therefore enacted, by the Governor, Council and Assembly of Newfoundland, in Colonial Parliament assembled, that it shall and may be lawful for the Governor, or Acting Governor of Newfoundland, for the time being, by and with the advice of His Majesty's Council to appoint five persons to be Commissioners for the purpose of superintending and regulating the erection of a Light House on Harbor-Grace Island aforesaid, and for carrying into effect the provisions of this Act; and in case of the death, absence or resignation of any of such Commissioners, it shall and may be lawful for the Governor or Acting Governor, for the time being, by and with the advice aforesaid, to nominate and appoint a Commissioner or Commissioners in his or their stead, who shall have the like power and authority conferred by this Act upon the first appointed Commissioners.

II.—And be it further enacted, that the Treasurer of the Colony shall, and he is hereby authorised to raise by loan, from such person or persons, or Body Corporate, as will advance the same, a sum not exceeding in the whole one thousand pounds sterling, chargeable upon and to be repaid out of the Public Funds of this Colony, together with Interest not exceeding six per centum per annum, in annual instalments of not more than two hundred pounds sterling, in the way and manner hereinafter provided.

III.—And be it further enacted, that the said Commissioners, or the major part of them, shall without delay procure plans of the said intended Light House or Building, and estimates of the expenses of materials and workmanship necessary to complete the same, which, together with all Contracts that may be entered into by the said Commissioners, shall previously to their being executed be laid before

the Governor or Acting Governor, for the time being, in Council, for approval.

IV.—*And be it further enacted*, that the Governor or Acting Governor, for the time being, shall, and he is hereby authorised and empowered to draw Warrants on the Treasurer of the Colony 696 on the requisition of the said Commissioners, or the major part of them, for such sums or sum of money as shall be necessary to defray and disburse the expenses of lighting and maintaining the aforesaid Light House and its appurtenances.

V.—*And be it further enacted*, that when and so soon as the said Light House on Harbor-Grace Island shall have been completed, it shall and may be lawful for the Governor or Acting-Governor for the time being, to issue a Proclamation under the Great Seal, signifying that the same hath been so completed, and that thenceforth there shall be raised, levied, collected and paid to his Majesty, his heirs and successors, upon every Merchant Ship or Vessel entering any Port or Harbour of the aforesaid Bay, a Duty or rate of one penny halfpenny sterling per ton for every ton register admeasurement of each respective vessel as aforesaid: *Provided always*, that no vessel owned in or belonging to this Colony, having once paid such Light Duty as aforesaid, shall during the same year be liable to any further duty under this Act, while employed in fishing or in the Coasting Trade of this Island and its Dependencies, and sailing under a general Coasting Clearance.

VI. *And be it further enacted*, that all such said Duties or Dues shall be levied, collected and received by the Collector or Sub-Collector of His Majesty's Customs, for the respective Port or District, previously to such Vessels respectively being entered at the Customs; and in the event of any vessel or vessels putting into any Port or Harbor of the said Bays, either by stress of Weather or otherwise, where no Officer of Customs or Person authorized or acting in such behalf shall reside, then and in such case the Duties or Dues shall be levied, collected and received by any Justice of the Peace residing or then being at or near to the respective Port, Harbor or Roadstead where such Vessel shall arrive or put in, and shall be payable immediately on such Vessel coming to Anchor; and all sums of Money so received by such Justices of Peace, shall be paid forthwith to the nearest Collector or Sub-Collector of His Majesty's Customs: And all monies arising from the whole of the aforesaid Light Duties, shall be paid Quarterly to the Treasurer of the Colony, and be appropriated in such manner as the Colonial Legislature shall from time to time direct: *Provided always* that it shall be lawful for such Collector or Sub-Collectors of His Majesty's Customs, and such Justices of the Peace as aforesaid, to retain and with-hold from the sums by them respectively collected for Light Duties under this Act, and paid into the hands of the Treasurer of the Colony, a Commission at and after the rate of five pounds per centum upon the amount by them respectively collected and paid over as a compensation for their trouble in collecting the same.

VII. *And be it further enacted*, that on the non-payment by the Master or Owner or Owners of any ship or vessel of any duty or dues incurred or payable under this Act, such duty or dues shall and may be sued for and recovered by the respective person or persons authorised to receive the same, in a summary way, before one or more of His Majesty's Justices of the Peace, and the amount thereof, together

with all costs incurred, shall be levied on the goods and chattels of the owner or owners or of the master of the respective vessel on account of which the said Light Duty or Dues shall be payable.

VIII. And be it further enacted, that the Treasurer of the Colony shall be and he is hereby authorised and empowered to grant and issue to the respective persons who shall lend and advance money for the purposes of this Act, one or more Debenture or Debentures, in the form and to the effect hereinafter set forth, which Debentures shall be issued for sums of not less than fifty pounds respectively, and shall express therein the rate of Interest agreed to be paid, and the day of the Month and year in which they shall respectively be issued, and shall be numbered in succession from one upwards, and shall be signed by the Treasurer for the time being, and countersigned by the Colonial Secretary, and shall be assignable and transferable by endorsement of the parties to whom the Debentures shall respectively be issued.

IX. And be it further enacted, that the Interest on the said Debentures shall be payable half yearly, on the last days of June and December in each year, at the office of the said Treasurer; and the said Treasurer shall not be required to commence the payment of the instalments hereinbefore mentioned until after two years from the date of the said Debentures respectively.

(Form of Debenture.)

No.

By virtue of an Act of Parliament of Newfoundland, passed in the fifth year of the reign of His Majesty King William the Fourth entitled "An Act for the Establishment of a Light House, on Harbor-Grace Island," I, the Treasurer of the Island of Newfoundland, do hereby certify and declare, that under the power and authority in and by the said Act vested in me, I have borrowed and received by way of loan from the sum of Pounds Sterling, bearing Interest from the date hereof at the rate of per centum per annum, which Interest is payable half yearly, on the last days of June and December in every year; and I do declare that the said sum of money has been paid and received by me towards defraying the expense of erecting and constructing a Light House on Harbor-Grace Island as provided by the said Act; and I do further certify that the said principal money and Interest will be paid and payable to the said or his assigns or indorsee, on the production of this Debenture at my Office at St. John's at the time and in the proportions provided in the said Act.

Given under my Hand and Seal, at St. John's, Newfoundland, the day of in the year of Our Lord 183 .

Treasurer.

Colonial Secretary.

697 No. 107.—1838, October 25: Newfoundland Statute, 2 Vict., Cap. 7.

An Act to preserve the Harbors and Roadsteads of Newfoundland and its Dependencies from Nuisances and Obstructions.

[Passed 25th October, 1838.]

Whereas it is necessary to make provision for the prevention of Nuisances and Obstructions in the Harbors and Roadsteads of Newfoundland and its Dependencies:

Be it therefore enacted, by the Governor, Council, and Assembly of Newfoundland, that no Ballast, Stones, or any thing else hurtful

or injurious to any of the Harbors or Roadsteads in the said Island and its Dependencies, shall be thrown out of any Ship, Vessel, or Boat, or otherwise by any Person or Persons whatsoever, to the prejudice of any of the said Harbors or Roadsteads, and if any Person or Persons shall throw out of any Ship, Vessel, or Boat, or otherwise, any Ballast, Stones, or any other things injurious or hurtful to any of the Harbors or Roadsteads of this Island or its Dependencies, the Person or Persons so offending shall incur and become liable to pay a Fine to our Sovereign Lady the Queen of not less than *Forty Shillings*, nor more than *Ten Pounds Sterling*, or to imprisonment for any time not exceeding *Ten Days* or both, at the discretion of the Court, or Justice before which any such Offenders or Offender shall be convicted.

II.—*And be it further enacted*, that any Breach or Offence against this Act, shall or may, upon the complaint of any Person, be heard and determined in a summary way before any two or more Justices of the Peace, and any Fine or Penalty imposed by such Justices shall or may be levied on the Goods and Chattels of the offender or offenders, and the proceeds thereof shall be paid into the Colonial Treasury, to be applied to the public uses of the said Island, and for the support of the Government thereof.

No. 108.—1839, October 12: Newfoundland Statute, 3, Vict., Cap. 5.

An Act to amend several Acts now in force respecting Light Houses, and to make further provision for the said Light Houses, and to consolidate the laws respecting the same.

[Passed 12th October, 1839.]

Whereas it is necessary and expedient to amend the Acts now in force respecting the erection and support of Light Houses within the Colony, and to make further provision for the said Light Houses, and to consolidate the laws respecting the same.

Be it therefore enacted, by the Governor, Council, and Assembly, that the following Acts, to wit:—

An Act passed in the second Session of the 4th Year of the Reign of his late Majesty King William the 4th, entitled “An Act for the Establishment of Light Houses.”

An Act passed in the second Session of the 5th Year of the Reign of his late Majesty King William the 4th, entitled “An Act for the establishment of a Light House on Harbor Grace Island.”

An Act passed in the first Year of the Reign of her present Majesty entitled “An Act to authorize the raising by loan a further Sum of money for the completion of the Light House on Harbour Grace Island, and to make further regulations respecting the same”—

be, and the same severally are, hereby repealed, save and except all such clauses and parts of the said acts, or any of them, as provide for or relate to the repayment of any and all sums of money, that have, under the provisions of the said Acts, been loaned or borrowed from any person or persons, and which provide for the satisfaction and security of such Public Creditors.

II. *And be it further enacted* that the expenses of supporting, maintaining, and keeping up the several Light Houses now erected or hereafter to be erected under the authority of the Legislature in the Colony, and also the salaries, and remuneration to the Light House Keepers and their Assistants, (if required) shall be borne and defrayed out of the Public Treasury of the Colony, by warrant under the hand and seal of the Governor or person administering the Government for the time being.

III. *And be it further enacted* that it shall and may be lawful for the Governor or person administering the Government for the time being, by and with the advice of Her Majesty's Council, to appoint five persons to be Commissioners, of whom three shall be a quorum, for the purpose of superintending, directing and regulating the management of the affairs of the said several Light Houses; which said Commissioners are hereby constituted a Board of Audit and Control for the administration of all matters touching and concerning the conducting and maintenance of all Light Houses belonging to this Colony; and that all purchases for and on account of the said Light Houses, shall be upon a Public Notice or Advertisement for Tenders for the same, and the lowest of such Tenders for an article of suitable quality, shall on all occasions be preferred, and all accounts and vouchers relating to any expense incurred on account of such Light Houses shall from time to time be furnished to the Treasurer of the Colony, before the respective sums of money shall be drawn from the

Treasury; and in case of the death, absence, or resignation of
698 any such Commissioner or Commissioners, it shall and may be lawful for the Governor or person administering the Government for the time being, by and with the advice aforesaid, to nominate and appoint a Commissioner or Commissioners in his or their stead.

IV. *And be it further enacted*, that it shall and may be lawful for the said Commissioners, or any three of them, to appoint Light House Keepers, and Assistants (if required), for the several Light Houses hereinbefore mentioned, or which may hereafter be erected, and that the salaries of and remuneration to such persons so to be appointed, and the incidental expenses of supporting, maintaining, and keeping up the said Light Houses, shall be subject to the control and approval of the Legislature.

V. *And be it further enacted*, that for the purposes of this Act, there shall be raised, levied, collected, and paid, to Her Majesty, Her Heirs and Successors, upon every Merchant Ship or Vessel, entering any Port within the Colony, from Cape Ray to Cape John (other than Coasting, Sealing and Fishing Vessels), a duty or rate of three pence sterling per ton, for every ten register measurement of each respective Vessels as aforesaid; Provided, that such duty shall not be levied upon any such Ship or Vessel more than twice in each year; And that there shall in like manner be raised, levied, collected and paid upon every registered decked Vessel employed in the Sealing, Fishing, or Coasting trade of the Colony, or the Labrador, and entering any of the Ports aforesaid, the rate or duty of Twenty Shillings sterling for each and every such vessel, from Ninety tons burthen and upwards; and a like rate or duty of Fifteen Shillings sterling for each and every such vessel exceeding Sixty tons burthen and

under Ninety tons register tonnage per annum; and a like duty or rate of Ten Shillings sterling for each and every such vessel less than Sixty tons burthen, register tonnage, per annum.

VI. *And be it further enacted*, that the Collector of Her Majesty's Customs at the Port of St. John's is hereby authorised and empowered to appoint the several Sub-Collectors within the Colony, or some other fit and proper person or persons in such Ports where no such Sub-Collector shall reside, to demand, recover, and receive the said several duties and rates imposed by this Act; and that all Monies raised and levied under the provisions hereof shall be paid over quarterly to the said Collector for the use of the Colony; and that there shall be allowed to the said Collector of Her Majesty's Customs a commission of ten per centum upon the amount so raised, levied, and collected as a compensation for the trouble in collecting the same.

VII. *And be it further enacted*, that on the non-payment by the Master, Owner or Owners of any Ship or Vessel of any duty or dues incurred or payable under this Act, such duty or dues shall and may be sued for and recovered by and in the name of the person or persons duly authorised to receive the same, in a summary way, before any one or more Justice or Justices of the Peace, within the District where such person or persons so authorised as aforesaid may reside, together with all costs incurred, and shall be levied on the goods and chattels of the owner or owners, or of the master of their respective ship or vessel on account of which the said light duty, or dues, shall severally and respectively be payable.

VIII. *And be it further enacted*, that it shall not be lawful for the Collector of Her Majesty's Customs at the Port of Saint John's, or for any Sub-Collector or other Officer of Customs, within the Colony, to admit to entry any Ship or Vessel, subject and liable to the payment of any such duties or dues aforesaid, within the several ports of the Colony as aforesaid until the said duties and dues imposed by this Act shall be paid to the person duly authorized to recover the same; and likewise that it shall not be lawful for the said Collector, or any Sub-Collector, or other Officer of Customs, as aforesaid to grant a clearance to any Coasting or Fishing Vessel within the description herein before set forth in this Act, until the several dues and duties imposed as aforesaid shall be paid to the person duly authorized to receive the same.

IX. *And be it further enacted*, that a detailed account of all rates and dues received on account of the said Light Houses, and a particular statement of all costs, charges and disbursements incurred or paid shall be furnished annually, by the said Board of Control, to the Governor, or person administering the Government for the time being, to be laid before the Legislature at the commencement of each Session.

X. *And be it further enacted*, that any money raised under the provisions of this Act, and remaining in the Treasury of the Colony after the disbursements of the annual expenses of the said several Light Houses, shall be held by the Treasurer as a separate fund, for the purposes of Light Houses, and shall not be placed by the said Treasurer in his general accounts of Duties and Monies received for the service of the Colony.

XI. *And be it further enacted*, that this Act shall continue and be in force for the period of Three Years, and from thence to the end of the next Session of the General Assembly.

No. 109.—1845, April 23: Newfoundland Statute, 8 Vict., Cap. 5.

An Act to continue and amend an Act passed in the fourth year of the reign of Her present Majesty entitled "An Act to regulate the Packing and Inspection of Pickled Fish for exportation from this Colony."

[Passed 23rd April, 1845.]

Whereas an Act was passed in the fourth year of the reign of Her Present Majesty, entitled "*An Act to regulate the packing and inspection of pickled fish for exportation from this Colony,*" which will shortly expire; and it is expedient that the same should be amended and continued for a further period.

699 I.—Be it therefore enacted, by the Governor, Council and Assembly, in Legislative Session convened, that the said Act shall be and the same is hereby continued in force for a period of five years; and thence to the end of the then next Session of the Legislature.

II.—And be it further enacted that from and after the passing of this Act there shall be levied and paid to Her Majesty, Her Heirs and Successors, upon all Fresh herrings and caplin, and upon all salted or picked [pickled] herrings and caplin in bulk, exported from this Colony, the sum of *three shillings* for every hundred weight thereof.

III.—And be it further enacted that it shall not be lawful for any person or persons to ship or export from this Colony any quantity of salted or pickled caplin in casks, unless the same shall have been inspected and packed in like manner as salted or pickled herring's are required to be inspected and packed under the said Act; and that there shall be levied and paid to Her Majesty, Her Heirs and Successors, upon all such caplin, the sum of *two shillings and six pence* for every barrel thereof excepting dried caplin.

IV.—And be it further enacted that there be granted and paid to Her Majesty, Her Heirs and Successors, out of such monies as shall be in the Treasury of this Colony, and unappropriated, the sum of *five hundred pounds* towards defraying the expense of procuring and maintaining suitable Revenue cruisers for the protection of the British fisheries and the Revenue.

V.—And be it further enacted, that the duties by this Act imposed shall be paid by the exporter or exporters of such articles to the Collector or Sub-Collectors of Her Majesty's Customs, and shall be collected and secured by means, and under the regulations and penalties, and in the way and manner directed by an Act passed by the Imperial Parliament of Great Britain and Ireland in the 3rd and 4th years of the reign of His late Majesty King William the Fourth, entitled "An Act to regulate the trade of the British possessions abroad," and by another Act passed in the 4th and 5th years of the reign of His said late Majesty, entitled "an Act to amend the laws relating to the Customs." And all goods exported contrary to the provisions of this Act shall, together with the ship or vessel in which they shall have been laden, be forfeited.

VI.—And be it further enacted, that nothing herein contained shall be of any force or effect until Her Majesty's pleasure herein be made known.

No. 110.—1850, April 30: Extract from Newfoundland Statute, 13 Vict., Cap. 3.

An Act to amend an act entitled "An Act to amend several Acts now in force respecting Light-Houses, and to make further provision for the said Light-Houses, and to consolidate the Laws respecting the same."

[Passed 30th April, 1850.]

Whereas it is expedient to amend an Act passed in the Third Year of the Reign of Her present Majesty, entitled "An Act to amend several Acts now in force respecting Light-Houses, and to make further provision for the said Light-Houses, and to consolidate the Laws respecting the same":—

Be it therefore enacted, by the Governor, Council and Assembly of Newfoundland, in Legislative Session convened, that from and after the passing of this Act, there shall be raised, levied, collected and paid, to Her Majesty, Her Heirs and Successors, upon every Merchant Ship or Vessel entering any Port within this Island from Cape Ray to Cape John (other than Coasting, Sealing and Fishing Vessels), a Duty or Rate of Six Pence Sterling per ton, for every ton register measurement of each respective Vessel as aforesaid, instead and in lieu of Three Pence per ton upon every such Vessel, imposed by the said Act: *Provided*, that such Duty shall not be levied upon any such Ship or Vessel more than once in each instead of twice in each year, as provided for by the said Act with respect to the Rate or Duty therein imposed.

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No. 111.—1852, June 14: Extract from Newfoundland Statute, 15 Vict., Cap. 3.

An Act to amend and consolidate the Acts now in force respecting Light Houses in this Colony.

[Passed 14th June, 1852.]

Whereas it is expedient to amend the Acts now in force respecting the support of Light Houses within this Colony, and to make further provision for the said Light Houses, and to consolidate the Laws respecting the same:

Be it therefore enacted, by the Governor, Council and Assembly, in Legislative Session convened That the following Acts, that is to say; an Act passed in the Third Year of the Reign of Her Majesty, entitled "An Act to amend several Acts now in force respecting Light Houses, and to make further provision for the said Light Houses, and to consolidate the Laws respecting the same;" An Act passed in the Twelfth Year of the Reign of Her Majesty, entitled "An 700 Act to continue and amend an Act passed in the Third Year of the Reign of Her present Majesty, entitled 'An Act to amend several Acts now in force respecting Light Houses, and to make further provision for the said Light Houses, and to consolidate the Laws respecting the same;'" an Act passed in the Thirteenth Year of the Reign of Her Majesty, entitled "An Act to amend

several Acts now in force respecting Light Houses, and to make further provision for the said Light Houses, and to consolidate the Laws respecting the same;" an Act passed in the Fourteenth Year of the Reign of Her Majesty, entitled, "An Act in addition to the Act for the management of Light Houses in this Colony;" be, and the same are, hereby severally repealed, save, and except all acts and proceedings done and had under the authority thereof, and saving and reserving the right of recovering any Duties imposed under any of the said Acts; *Provided* that nothing herein contained shall have the effect of reviving any Act or Acts repealed in whole or in part by any of the said recited Acts.

II.—*And be it enacted*, That there be raised, levied, collected, and paid to Her Majesty, Her Heirs and Successors, for the support of Light Houses already erected, or which may hereafter be erected, upon any of the Coasts of this Island, or upon any of the Islands or Rocks adjacent thereto, a Duty or rate of Six Pence per Ton, which each and every Ship or Vessel shall admeasure agreeably to their Registers, upon every Merchant Ship or Vessel which may enter any Port or Place within this Colony, from Cape Ray extending Eastwardly to Cape Race, and thence Northward to Cape John, (other than Coasting, Sealing, or Fishing Vessels), the said Duty to be levied once in each year; and that there shall in like manner be raised, levied, collected and paid, upon every Registered Decked Vessel of Forty Tons and upwards, employed in the Sealing, Fishing, and Coasting Trade of this Colony or the Labrador, and which may enter at or clear from any of the Ports or Places aforesaid, the Duty or Rate of Three Pence per ton; and upon every such Vessel of less than Forty Tons aforesaid the sum of Ten Shillings per annum; and should any of the above-mentioned class of Vessels paying the Duty or Rate of Three Pence per Ton herein imposed, proceed on a Foreign Voyage, such Vessel shall also be liable to a further Rate of Three Pence per Ton: *Provided* that there shall not be levied upon any Ship or Vessel liable to pay the Light Duties imposed by this Act, more than Six Pence per Ton in any one year.

* * * * *

VI. *And be it enacted*, That it shall not be lawful for the Collector of Her Majesty's Customs at the Port of St. John's, or for any Sub-Collector or other Officer of Customs within the Colony, to admit to entry any Ship or Vessel subject and liable to the payment of any such Rates or Duties aforesaid within the several Ports of the Colony as aforesaid, until the said Rates and Duties imposed by this Act shall be paid to the person duly authorized to receive the same; and likewise that it shall not be lawful for the said Collector, or any Sub-Collector, or other Officer of Customs as aforesaid, to grant a Clearance to any Coasting, Sealing, or Fishing Vessel, within the description hereinbefore set forth in this Act, until the several Rates and Duties imposed as aforesaid shall be paid to the person duly authorized to receive the same.

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No. 112.—1855, August 4: Newfoundland Statute, 18 and 19 Vict., Cap. 5.

AN ACT to Repeal and Amend certain parts of an Act of the Legislature of this Colony passed in the Fifteenth Year of the Reign of Her Majesty, intituled "An Act to amend and consolidate the Acts now in force respecting Light-Houses in this Colony."

[Passed 4th August, 1855.]

Whereas it is expedient to Repeal the Second Section of the said Act, and to make other provisions in lieu thereof:

Be it therefore Enacted, by the Governor, Legislative Council, and Assembly of Newfoundland;

I.—That the Second Section of the Act passed by the Legislature of this Colony in the Fifteenth year of the Reign of Her Majesty, intituled, "An Act to amend and consolidate the Acts now in force respecting Light Houses in this Colony," be, and the same is, hereby repealed: Provided always, that nothing herein contained shall in any way affect, annul, or make void any Act, Matter, or Thing, done or performed under and by virtue of the said Second Section of the said Act.

II.—That under and by virtue of the remaining Sections of the said Act, and according to the provisions therein contained, which are hereby continued during the continuance of this Act, except so far as the same may be altered, repealed or amended by any Act of the Legislature, passed during the present Session, there be raised, levied, collected, and paid, to Her Majesty, Her Heirs and Successors, for the support of Light Houses already erected, or to be erected, upon any of the Coasts of this Island, or upon any of the Islands or Rocks adjacent thereto, a Duty or Rate of One Shilling per Ton, which each and every Ship or Vessel shall admeasure agreeably to their Registers, upon every Merchant Ship or Vessel which may enter any Port or Place within this Colony, from Cape Ray extending Eastwardly to Cape Race, and thence Northward to Cape John, (other than Coasting, Sealing, or Fishing Vessels, registered in this Colony), the said Duty to be levied once in each year; and that under and by virtue of the said remaining Sections of the said Act, there shall in like manner be raised, levied, collected and paid to Her Majesty for the purposes aforesaid, upon every Registered Decked Vessel of Forty-Tons and upwards, registered in this Colony, employed in the Sealing, Fishing, and Coasting Trade of this Colony or the Labrador, and which may enter at or clear from any of the

Ports or Places aforesaid, the Duty or Rate of Six-Pence per
701 Ton, to be paid once in each year; and upon every such Vessel
of less than Forty Tons aforesaid, the sum of Fifteen Shillings
per annum; and should any of the above-mentioned class of Vessels
engaged in the said Fisheries, paying the Duty or Rate of Six-
pence per Ton herein imposed, proceed on a Foreign Voyage, such
Vessel shall not be liable to any further rate than the said Six-pence
per Ton in any one year, during which such Vessel shall have been
engaged in the said Fisheries.

No. 113.—1857, March 17: Newfoundland Statute, 20 Vict., Cap. 3.

An Act to provide for the Support and Maintenance of Cape Race Light-House.

[Passed 17th March, 1857.]

Whereas, under and by virtue of an Act passed by the Imperial Parliament of Great Britain and Ireland, in the Nineteenth and Twentieth Years of Her Majesty's Reign, entitled "An Act to Facilitate the Erection and Maintenance of Colonial Light-Houses, and otherwise to amend the Merchant Shipping Act, 1854," it is provided, that in any case in which any Light House, Buoy, or Beacon, has been or is hereafter erected, or placed on or near the Coasts of any British Possession, by or with the consent of the Legislature Authority of such Possession, Her Majesty may, by Order in Council, fix such Dues, in respect thereof to be paid by the Owner or Master of every Ship which passes the same, or derives benefit therefrom, as Her Majesty may deem reasonable: And whereas it is further provided by the said Act, that no such Dues shall be levied in any Colony, unless, and until, the Legislative Authority in such Colony has, either by Address to the Crown, or by an Act or Ordinance duly passed, signified its opinion that the same ought to be levied in such Colony: And whereas it is also provided by the said Act, that the said Duties shall, in each British Possession abroad, be collected by such Persons as the Governor of such Possession abroad may appoint for the purpose, and shall be collected by the same means, in the same manner, and subject to the same conditions, so far as circumstances permit, by, in, and subject to which the Light Dues levied under the Merchant Shipping Act, 1854, are paid and collected, or by such other means, in such other manner, and subject to such other conditions, as the Legislative Authority in such Possession may direct; And whereas it is also provided by the like Authority, that all such Dues levied under the said Act shall be paid over to Her Majesty's Paymaster, at such times and in such manner as the Board of Trade may direct, and shall after deducting any expenses incurred in collecting the same, be applied, paid and dealt with, by him, for the purpose of paying the Expenses incurred in erecting and maintaining such Light House, Buoy or Beacon, and for no other purpose whatsoever:

And whereas by and with the consent of the Legislative Authority of this Colony, which is hereby signified, a Light House has recently been erected, and is now lighted, on Cape Race:—And whereas Her Majesty, in the exercise of the Powers vested in Her by the said Act, by and with the advice of Her Majesty's Privy Council, has directed, that upon and after the lighting of the said Light upon Cape Race, as aforesaid, there shall be paid for every such Ship as hereinafter mentioned (except Ships belonging to Her Majesty, Her Heirs and Successors) the Toll of One-Sixteenth of a Penny Sterling per Ton, of the burthen of every such Ship for every such Voyage as herein-after mentioned; that is to say:

For all Ships, whether Sailing Ships or Steam Ships, navigating from any Port or Ports in the British Colonies in North America, to any Port or Ports in the United Kingdom;

For all Ships, whether Sailing Ships or Steam Ships, navigating from any Port or Ports in the United Kingdom to any Port or Ports in the British Colonies in North America;

For all Ships, whether Sailing Ships or Steam Ships, bound from any Port or Ports in the British Colonies in North America upon any Transatlantic voyage;

For all Ships, whether Sailing Ships or Steam Ships, arriving at any Port or Ports in the British Colonies in North America after any Transatlantic voyage;

For all Ships, whether Sailing Ships or Steam Ships, arriving at any Port or Ports in the United Kingdom from New York, or any Port in the United States, North of New York;

And for all Steam Ships leaving any Port or Ports in the United Kingdom for New York, or any Ports in the United States North of New York, passing the said Light House, when the Light is exhibited therein, and consequently deriving benefit therefrom.

And whereas it is necessary that provision should be made for the imposition and collection of the said Dues on and from all such of said Ships or Vessels as shall from time to time enter or clear at and sail from any of the respective Ports of this Colony;

Be it therefore Enacted, by the Governor, Legislative Council and Assembly, in Legislative Session convened, as follows:—

I. That from and out of the amount of Light Dues, to which the Ships or Vessels hereinafter referred to are liable, by the Laws of this Colony, to pay upon entering or clearing at any Port therein, there be appropriated and paid to Her Majesty, Her Heirs and Successors, in this Colony, for the support and maintenance of the said Light House on Cape Race, in this Island, and for the other purposes referred to in the said recited Act, and according to the provisions of the Laws now in force in this Colony for the erection and main-

tenance of Light Houses, a Toll or Duty of One-Sixteenth of a
702 Penny Sterling, per Ton, upon the tonnage burthen of every such Ship as is hereinafter mentioned, on and for every voyage of such Ship navigating between the following places, that is to say:—

Upon the Tonnage Burthen of all Ships or Vessels navigating on any voyage from any Port in this Colony to any Port in the United Kingdom of Great Britain and Ireland;

Upon the Tonnage Burthen of all Ships or Vessels bound from any Port in this Colony upon any Transatlantic voyage;

Upon the Tonnage Burthen of all Ships or Vessels arriving at any Port in this Colony immediately after any Transatlantic voyage:

II. The Receiver General of this Colony shall, quarterly, render an account to the Officer of the Committee of Privy Council for Trade, of the said Duties or Tolls that shall be taken and received in this Colony; and also an account of the particulars of the Vessels which have paid such Duties or Tolls, giving the names of such Vessels and the Ports to which they belong, their Tonnage, rate of Toll, and the amount paid by each Ship or Vessel.

III. All Dues or Tolls to be levied and appropriated as aforesaid, under this Act shall be paid over by the Receiver General to Her Majesty's Paymaster General, at such times and in such manner as the Board of Trade in the United Kingdom may direct, and shall be

applied, paid and dealt with by him, for the purposes aforesaid, and in such manner, as such Board may direct.

IV. Nothing in this Act shall in any way apply to any of the Ships of Her Majesty, Her Heirs and Successors.

V. The Board of Works of this Island, established under and by virtue of an Act of the Legislature of this Colony, in the Eighteenth and Nineteenth Years of the Reign of Her Majesty, entitled "An Act for the Establishment of a Board of Works," shall have the control and management of the said Light House on Cape Race, subject to the provisions of the said Act.

VI. As soon as Her Majesty shall issue an Order in Council for the purpose, or otherwise authorize the extension of the provisions of "The Merchant Shipping Act Amendment Act, 1855," for the support of the Light House erected at Cape Pine, on the Western Coast of this Island, it shall be lawful for the Receiver General to pay over to the Paymaster General aforesaid, a further sum equal to One-Sixteenth of a Penny, Sterling, per Ton, out of the Light Dues payable under the Laws of this Colony in respect of all Vessels arriving at or departing from any of the Ports or places mentioned in the First Section of this Act, or other such vessels, or such other Ports or Places, as shall be stated in any such Order or Authority as aforesaid; which sum shall be applied, in manner aforesaid, towards the support of the said Light House at Cape Pine, subject to all the Regulations aforesaid.

No. 114.—1862, March 27: Newfoundland Statute, 25 Vict., Cap. 2.

An Act for the Protection of the Herring and Salmon Fisheries on the Coast of this Island, and for other purposes.

[Passed 27th March, 1862.]

Whereas the Breed and Fry of Herrings frequenting the Coast of this Island and the Labrador are often found to be greatly injured and destroyed by the using of Seines and Nets of too small size or mesh, and by other unwarrantable practices; and whereas complaints have been preferred to the Local Government of alleged depredations committed by the Fishermen frequenting these Coasts upon each other: for remedy whereof,

Be it therefore enacted, by the Governor, Legislative Council and Assembly, in Session convened:

I.—That no person shall haul, catch, or take Herrings in any Seine, on or near any part of the Coast of this Island, or of its Dependencies on the Coast of Labrador, or in any of the Bays, Harbors, or any other places therein, at any time between the Twentieth day of October and the Twelfth day of April in any year; and no person shall, on or near the Coast of this Island or its Dependencies aforesaid on the Coast of Labrador, or in any of the Bays, Harbors, or other places therein, at any time, use a Seine, or other contrivance, for the catching and taking of Herring, except by way of shooting, and forthwith tucking and hauling the same; Provided, that nothing herein contained shall prevent the taking of Herrings by Nets set in the usual and customary manner, and not used for in-barring or enclosing Herrings in any Cove, Inlet, or other place.

II.—No person shall, at any time between the Twentieth day of December and the First day of April in any year, haul, catch or take any Herring, on or near the Coast of this Island or of its Dependencies aforesaid on the Labrador, or in any of the bays, Harbors, or any other places therein, in any Net having the Meshes, Mokes, or Scales, of less than Two Inches and Three-eighths of an Inch, at least, from Knot to Knot, or having any false or double Bottom of any description; nor shall any person put any Net, though of legal size of mesh, upon or behind any other Net not of such size of mesh, for the purpose of catching or taking the Fry of such Herring passing through any single Net of Two Inches and Three-eighths of an Inch Mesh or Scale.

III.—No person shall wilfully remove, destroy or injure, any lawful Net or Seine the property of another, set or floating on or near the Coasts of this Island or of its Dependencies aforesaid on the Labrador, or in any of the Bays, Harbors, or other places therein, nor remove, let loose, or take any Fish from or out of any such lawful Net or Seine.

703 IV.—No person shall, at any time between the Twentieth day of April and the Twentieth day of October, haul, catch, or take any Herring or other Bait for exportation, within One Mile of any Settlement situate on that part of the Coast between Cape Chapeau Rouge and Point Rosey.

V.—Any person who shall violate any of the provisions of this Act shall for every offence forfeit a sum not exceeding Ten Pounds: and, in addition, all Seines, Nets, and other contrivances used or employed in, about, or preparatory to the catching, hauling, taking, or in-barring of any Herrings, in violation of any of the provisions thereof, shall be liable to forfeiture, and the same may be seized at once, by any Justice, Sub-Collector of Customs, Preventive Officer, or Constable, on view or by virtue of a Warrant issued by such Justice, Sub-Collector, or Preventive Officer, on Oath to be administered by any of them, and detained until the trial of the offender, when they may be declared forfeited and ordered to be sold at Public Auction.

VI.—And whereas an Act was passed in the twenty-third year of the Reign of Her present Majesty entitled "An Act for the Protection of the Salmon Fishery, and for other purposes," whereby certain Nets and Seines were forbidden to be used, and certain Weirs and other erections and contrivances were prohibited from being erected at certain times and under certain circumstances, in the said Act declared:

Be it further enacted, That it shall be Lawful for any Justice, Sub-Collector, Preventive Officer, or Constable aforesaid, on view and for any Constable or other Person by virtue of a Warrant to be issued as aforesaid, to seize any Net or Seine, and to destroy any Weir or other erection or contrivance used or erected in contravention of the said recited Act, and all such Nets or Seines shall be forfeited and disposed of in manner provided by the Fifth Section of this Act.

VII.—All Forfeitures and Penalties imposed by this or the said recited Act shall be recovered with Costs, in a summary manner, before any Justice of the Peace, for which purpose such Justice shall have full power to summon or arrest the offender, and to compel all Witnesses, either by Summons or Warrant, to appear before him on

such trial, and upon conviction of such offender, such Justice shall issue his Warrant to cause such Seines, Nets, or other contrivances, so illegally used, to be sold at Public Auction, or, where permitted under the preceding Section of this Act, destroyed; and in default of payment of such penalty as may be imposed, and costs, by the party convicted, such Justice shall issue his Warrant to any Constable, or other Person, to arrest and imprison such convicted offender for a period not exceeding twenty days.

VIII.—All Penalties and Forfeitures, under this or the said recited Act, and all proceeds thereof when recovered, shall be paid to the party informing against and prosecuting such offender to conviction.

IX.—No conviction or proceeding by any Justice or other Officer, under this Act, shall be quashed or set aside for want of form, so long as the same shall be substantially in accordance with the true intent and meaning of this Act.

X.—Provided always, That nothing in this Act contained shall in any way affect or interfere with the rights and privileges granted by Treaty to the Subjects or Citizens of any State or Power in amity with Her Majesty.

XI.—The Ninth Section of the said recited Act for the protection of the Salmon Fishery is hereby repealed.

No. 115.—1872: Extract from Newfoundland Statute: Consolidated Statutes, 1872, Title 17, Cap. 62.

OF LIGHT DUES AND LIGHTHOUSES.

Section.	Section.
1. Light dues.	6. Application of money.
2. No greater sum than \$115 shall be levied in any one year.	7. Appropriation of surplus of light-house fund.
3. Receiver General to appoint persons in the outports to receive dues.	8. Signal guns, bells or gongs.
4. Recovery of dues.	9. Tonnage dues on foreign vessels.
5. Vessels not to be admitted to entry until light dues paid.	10. Expenses of surveys of such vessels.

1. A duty or rate of twenty-four cents per ton shall be levied and paid upon every merchant ship or vessel according to its registered tonnage which may enter any port or place within this colony, from Cape Ray extending eastwardly to Cape Race, and thence northwardly to Cape John, other than coasting, sealing or fishing vessels registered in this Colony said duty to be levied once in each year. And there shall be levied and paid upon every registered decked vessel of forty tons and upwards, registered in this colony, employed in the sealing, fishing or coasting trade of this colony or the Labrador, and which may enter at or clear from any of the ports or places aforesaid, the duty or rate of twelve cents per ton, to be paid once in each year, and upon every such vessel of less than forty tons the sum of three dollars and forty-six cents per annum; and should any of the above mentioned class of vessels engaged in the said fisheries, paying the duty of twelve cents per ton herein imposed, proceed on a foreign voyage, such vessel shall not be liable to any further rate than the said twelve cents per ton in any one year during which such vessel shall have been engaged in the said fisheries.

5. Neither the Receiver General nor any sub-collector or other officer of customs shall admit to entry any ship or vessel subject and liable to the payment of any such rates or duties until the 704 said rates and duties shall be paid to the person authorized to receive the same, or grant a clearance to any coasting sealing or fishing vessel, within the description hereinbefore set forth, until the several rates and duties aforesaid shall be paid to the person authorized to receive the same.

6. All moneys which shall be received under this chapter shall be applied to the support of the several lighthouses in this colony. And any surplus light money which may remain after providing for the above purposes, shall be kept separate from the ordinary revenues of the colony.

7. The Governor in Council may appropriate such sum of money as shall remain in the hands of the Receiver General from time to time unexpended out of the light dues received by him, after defraying the cost of maintaining existing lighthouses, towards the erection and maintenance of such lighthouses as may be authorized by the Legislature.

8. The Governor in Council may establish signal guns, bells or gongs in the several lighthouse establishments for the safety of shipping.

9. All tonnage dues upon foreign vessels shall be assimilated to and in conformity with the tonnage dues of British vessels; and such foreign vessels shall be measured according to rules specified in an act of the Imperial Parliament passed in the seventeenth and eighteenth years of the reign of her present Majesty, known as the Merchants' Shipping Act of one thousand eight hundred and fifty-four.

10. When there is an increase of tonnage dues arising from such measurement, the expense of the measuring surveyor shall be borne by the Government of this Colony, but when otherwise, by the owner or master of such foreign vessel.

No. 116.—1872: Extract from Newfoundland Statute: Consolidated Statutes, 1872, Title 27, Cap. 102.

OF THE COAST FISHERIES.

Section.

1. Herring not to be caught between 20th Oct. and 12th April. Seine, how to be used.
2. Time for use of and size of net.
3. Injuries to nets and seines.
4. Herring not to be hauled for bait between 20th April and 20th October.
5. Spearing or sweeping with nets or seines for salmon above tidal waters unlawful.
6. Stake, seine or weir unlawful.
7. Mill dams and other obstructions.
8. Mesh of salmon net.
9. Salmon bought or sold in close time forfeited.

Section.

10. Distance between salmon nets.
11. Time for taking salmon.
12. Penalties.
13. Weir, &c., erected contrary to law may be destroyed.
14. Forfeitures and penalties, how recovered.
15. Appropriation of same.
16. Convictions not to be quashed for want of form.
17. Governor may appoint superintendent of fishery and fishery wardens.
18. Reservation of treaty rights.

1. No person shall haul, catch, or take herrings by or in a seine or other such contrivance on or near any part of the coast of this Colony or of its dependencies, or in any of the bays, harbors or other places therein, at any time between the twentieth day of October and the twelfth day of April in any year, or at any time use a seine or other contrivance for the catching and taking of herrings, except by way of shooting and forthwith hauling the same: Provided that nothing herein contained shall prevent the taking of herrings by nets set in the usual and customary manner, and not used for in-barring or enclosing herrings in a cove, inlet or other place.

2. No person shall, at any time between the twentieth day of December and the first day of April in any year, use any net to haul, catch or take herrings on or near the coasts of this colony or of its dependencies, or in any bays, harbors or other places therein, having the mokes, meshes or scales of such net less than two inches and three-eights of an inch at least, or having any false or double bottom of any description; nor shall any person put any net, though of legal size mesh, upon or behind any other net not of such size mesh, for the purpose of catching or taking such herring or herring fry passing a single net of legal size mesh.

3. No person shall wilfully remove, destroy, or injure any lawful net or seine, the property of another, set or floating on or near the coast of this colony or its dependencies, or any of the bays, harbors or other places therein, or remove, let loose, or take any fish from such seine or net.

4. No person shall, between the twentieth day of April and the twentieth day of October in any year haul, catch or take herrings or other bait for exportation, within one mile measured by the shore or across the water of any settlement situate between Cape Chapeau Rouge and Point Enragee, near Cape Ray; and any person so hauling, catching or taking within the said limits, may be examined on oath by a Justice, Officer of Customs or person commissioned for the purpose as to whether the herrings or other bait are intended for exportation or otherwise, and on refusal to answer or answering untruly, such person shall, on conviction, be subject to the provisions of the twelfth section of this chapter.

5. No person shall, by spearing or sweeping with nets or seines, take, or attempt to take, any salmon, grilse, par or trout in any bay, river, stream, cove or watercourse, above where the tide usually rises and falls, or in any pond or lake.

6. No stake, seine, weir, or other contrivance for taking salmon, except nets set or placed across, shall be set or placed in any river, stream, cove, lake or watercourse. No net shall extend more than one third of the distance in a straight line across, and all nets shall be set only on one side of such river, stream, cove, lake or watercourse.

7. No person shall construct any mill-dam, weir, rack, frame, train-gate, or other erection or barrier in or across any river, stream, cove, lake or watercourse, so as to obstruct the free passage of salmon grilse, par, trout or other fish resorting thereto, for the purpose of spawning; and all mill-dams or other erections placed on, over or across any water-course, river or stream, resorted to by fish for the purpose of spawning, shall have a waste gate opening, or slope sufficient to constitute a proper and sufficient fish way, which shall be kept

in repair by the owner. No person shall permit any sawdust or mill rubbish to be cast into any such river, stream, cove, lake or water-course.

8. No person shall use any net for taking salmon, the mokes, meshes or scales of which are less than four inches and a half inch.

9. No person shall buy or sell or have in his possession salmon, knowing the same to have been taken contrary to the provisions of this chapter, and every salmon so taken, bought or sold, shall be declared forfeited to the complainant by any justice.

10. No net shall be moored or set in any harbour, cove, creek or estuary, or on or near any part of the coast of this colony, or its dependencies, for the purpose of taking salmon, nearer to any other net moored or set for a like purpose than one hundred yards for a single net, and three hundred yards for a double net or fleet of nets.

11. No salmon shall be taken before the first day of May or after the tenth day of September in any year: Provided that if the time limited in this section shall be found to operate injuriously in any part of this island the Governor in Council may appoint any other time or times, and such time or times shall be as binding on all persons as if specially mentioned herein.

12. Any person who shall violate any of the provisions of this chapter shall be subject to a penalty not exceeding fifty dollars, and all seines, nets, and other contrivances used contrary to the provisions of this chapter shall be forfeited, and may be seized and detained until the trial of the offender by any Justice, sub-Collector of Customs, Preventive officer, fishery warden, or constable, on view, or by virtue of a warrant issued by such Justice, sub-Collector or Preventive officer, upon complaint made on oath to be administered by either of them, and, upon conviction, the same may be declared forfeited and ordered to be sold at public auction.

13. Any Justice, sub-Collector, Preventive officer, fishery warden, or constable, may, on view, destroy any weir, rack, frame, train-gate or other erection or barrier, used or erected contrary to the provisions of this chapter, or the same may be destroyed by virtue of a warrant issued by any Justice, sub-Collector, or Preventive officer, upon complaint made on oath to be administered by either of them.

14. All forfeitures and penalties imposed by this chapter shall be recovered with costs, in a summary manner before any Justice, for which purpose such Justice may summon or arrest the offender, and compel witnesses, by summons or warrant, to appear before him; and, upon conviction of the offender, such Justice shall cause all seines, nets, and other contrivances illegally used, to be sold by public auction, or where permitted, under the provisions of the preceding sections of this chapter, destroyed; and in default of the payment of any penalty imposed, and costs, such Justice shall issue his warrant and cause such offender to be arrested and imprisoned for any period not exceeding twenty days.

15. All penalties and forfeitures imposed by this chapter, and the proceeds thereof, shall be paid to the party informing against and prosecuting the offender to conviction.

16. No proceeding or conviction by any Justice or other officer under this chapter shall be quashed or set aside for any informality, provided the same shall be substantially in accordance with the intent and meaning of this chapter.

17. The Governor in Council may appoint the Collector of Revenue for Labrador, or other person, to be superintendent of the fisheries on the coast of this Island and its dependencies, and may also appoint fishery wardens, and prescribe their duties for the purposes of this chapter. The compensation for the services of such officers to be provided by the Legislature.

18. Nothing in this chapter shall affect the rights and privileges granted by treaty to the subjects of any state or power in amity with Her Majesty.

No. 117.—1873, May 5: Newfoundland Statute, 36 Vict., Cap. 3.

An Act relating to the Treaty of Washington, one thousand eight hundred and seventy-one.

[Passed 5th May, 1873.]

Section.

1. Suspension of Acts at variance with Articles. Proviso.
2. Powers given to Governor in Council.

Section.

3. Act not to come into force until Her Majesty's assent be given, and Proclamation issued.

Whereas a Treaty between Her Majesty and the United States of America was signed at Washington on the eighth day of May, One Thousand Eight Hundred and Seventy-one, and was duly ratified on the seventeenth day of June in that year, which, amongst other things, containing the following article:—

706 It is further agreed that the provisions and stipulations of Articles eighteen to twenty-five of this Treaty, inclusive, shall extend to the Colony of Newfoundland, so far as they are applicable; but if the Imperial Parliament, the Legislature of Newfoundland, or the Congress of the United States, shall not embrace the Colony of Newfoundland in their laws enacted for carrying the foregoing Articles into effect, then this Article shall be of no effect; but the omission to make provision by law to give it effect, by either of the Legislative Bodies aforesaid, shall not in any way impair any other Articles of this Treaty.

And Whereas it is expedient to provide for giving effect, as regards the Island of Newfoundland and its Dependencies, to said Articles, eighteen to twenty-five of said Treaty, inclusive, so far as they are applicable to this Colony.

Be it therefore enacted by the Governor, Legislative Council and Assembly, in Legislative Session convened, as follows:—

I. As soon as the Law required to carry into operation, on the part of the United States of America, the Articles set out in the Schedule to this Act, has been passed by the Congress of the United States, and come into force, all Laws of this Colony which operate to prevent the said Articles from taking full effect, shall, so far as they so operate, be suspended and have no effect during the period mentioned in the Article numbered Thirty-three in the Schedule to this Act: Provided that such Laws, rules and regulations, relating to the time and manner of prosecuting the Fisheries on the Coasts of this Island, shall not be in any way affected by such suspension.

II.—The Governor in Council, by any order or orders to be made for that purpose, may do anything further, in accordance with the spirit and intention of the Treaty, which shall be found necessary

to be done on the part of this Island to give full effect to the Treaty; and any such order shall have the same effect as if the object thereof were expressly provided for by this Act.

III.—This Act shall not come in force until Her Majesty's assent shall have been given, and until the issuing of a Proclamation under provisions of Section Two of the Act of the Imperial Parliament, entitled "The Treaty of Washington Act, One Thousand Eight Hundred and Seventy-two," and shall remain in force during the term of years mentioned in Article Thirty-three in the Schedule to this Act.

SCHEDULE.

Articles of the Treaty of Washington of the Eighth of May, One Thousand Eight Hundred and Seventy-one, which are referred to in the foregoing Act.

[Then follow Articles 18 to 25 inclusive and Article 33.]

No. 118.—1874, March 28: Newfoundland Statute, 37 Vict., Cap. 2.

An Act to carry into effect the Provisions of the Treaty of Washington, as far as they relate to this Colony.

[Passed March 28, 1874.]

Section.

1. Power to Governor to declare Articles of Treaty in force.
2. Governor may make orders, &c.

Section.

3. Suspending Clause, and duration of Act.

Whereas a Treaty between Great Britain and the United States of America was signed at Washington on the eighth day of May, one thousand eight hundred and seventy-one, and was duly ratified on the seventeenth day of June in that year, containing the following Articles, viz.:—

It is further agreed that the provisions and stipulations of Articles eighteen to twenty-five of this Treaty, inclusive, shall extend to the Colony of Newfoundland, so far as they are applicable; but if the Imperial Parliament, the Legislature of Newfoundland, or the Congress of the United States, shall not embrace the Colony of Newfoundland in their laws enacted for carrying the foregoing Articles into effect, then this Article shall be of no effect; but the omission to make provision by law to give it effect by either of the Legislative bodies aforesaid, shall not in any way impair any other Articles of this Treaty.

Be it therefore enacted, by the Governor, Legislative Council and Assembly, in Legislative Session convened, as follows:—

1st.—The Governor may, at any time hereafter, by his Proclamation, to be published in the *Royal Gazette* of this Colony, declare that after a time to be therein named, the provisions and stipulations of the said Articles eighteen to twenty-five of the said Treaty inclusive, as set forth in the Schedule to the Act, shall extend to this Colony of Newfoundland so far as they are applicable; and after the time so named in such Proclamation, the provisions

and stipulations of the said Articles shall come into full force, operation and effect, in this Colony, so far as the same are applicable, and shall thenceforth so continue in full force, operation and effect, during the period mentioned in Article thirty-three of the said Treaty, recited in the Schedule to this Act, any law of this Colony to the contrary notwithstanding.

2nd—The Governor in Council may, by any order or orders to be made for that purpose, do any act or thing in accordance with the spirit and intention of the said Treaty, which shall be found necessary to be done on the part of this Colony, to give full force, operation and effect to the said Treaty; and any such order shall have the same effect as if the same were expressly enacted in this Act.

3rd—This Act shall not come into operation until Her Majesty's assent thereto shall have been given; and shall remain in force during the term of years mentioned in Article number thirty-three in the Schedule to this Act.

SCHEDULE.

Articles of the Treaty of Washington of the Eighth of May, one thousand eight hundred and seventy-one, which are referred to in the foregoing Act:—

[Then follow Articles 18 to 25 inclusive and Article 33.]

No. 119.—1876, April 26: Newfoundland Statute, 39 Vict., Cap. 6.

An Act to amend the Law relating to the Coast Fisheries.

[Passed 26th April, 1876.]

Section.	Section.
1. Cap. 102, Sec. 1, Con. Statutes amended.	4. Herring not to be taken within cer- tain times.
2. Sec. 4 of Cap. 102 amended.	5. Penalty.
3. Squids not to be taken with seines, &c.	

Be it enacted, by the Governor, Legislative Council and Assembly, in Legislative Session convened, as follows:—

I. The First Section of Chapter One Hundred and Two of the Consolidated Statutes is hereby amended, by substituting the words "Twenty-fifth day of April," for the "Twelfth day of April."

II. The Fourth Section of the said Chapter is hereby amended, by substituting the words, "Tenth day of May," for "Twentieth day of April."

III. No person shall, at any time, haul, catch, or take Squids, with, in, or by means of any seine, bunt, or other such contrivance.

IV. No person shall, between the hours of Twelve o'clock on Saturday night and Twelve o'clock on Sunday night, haul or take any Herring, Caplin or Squids, with nets, seines, bunts, or any such contrivance, or set or put out any such net, seine, bunt, or contrivance, for the purpose of such hauling or taking.

V. Any person violating the provisions of this Act shall be subject to the same penalties as are provided by Section Twelve of the said Chapter.

No. 120.—1877, April 26: Newfoundland Statute, 40 Vict., Cap. 13.

An Act for the amendment of an Act entitled "An Act to amend the Law relating to the Coast Fisheries."

[Passed 26th April, 1877.]

SECTION I.—39 Vic., cap. 6, sec. 4, to apply to squid jigging.

Whereas it is expedient to amend the Act thirty-nine Victoria, chapter six, entitled, "An Act to amend the law relating to the Coast Fisheries," in manner hereinafter provided.

Be it enacted by the Governor, Legislative Council and Assembly, in Legislative Session convened, as follows:—

I.—That the Fourth Section of the said recited act shall be held to include and apply to the jigging of Squids, and to the use of any contrivance whatever, and to any mode of taking and obtaining Fish for Bait.

708 No. 121.—1878, April 16: Newfoundland Statute, 41 Vict., Cap. 6.

An Act respecting Light Dues.

[Passed 16th April, 1878.]

Section.

1. Chapter 62 of Title 17, to apply to West Coast.	Section.	2. Officers may Board Vessels and bring them into Port.
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Be it enacted by the Governor, Legislative Council and Assembly, in Legislative Session convened, as follows:—

I.—The Provisions of Chapter Sixty-two, Title Seventeen of the Consolidated Statutes, entitled "Of Light-dues and Light-houses," shall, as they relate to the various classes of Vessels, respectively, extend and apply to all Ships and Vessels entering at or clearing from any port or place upon the Western and North-Eastern Coasts of the Island of Newfoundland lying between Cape Ray on the Western and Cape St. John on the Eastern Coast.

II.—Any officer duly appointed by law for the collection of Light-dues, may go on board any Vessel engaged in fishing or trading operations, and being within three miles of any part of the Coasts of this Island or its Dependencies, and stay on board while she remains in port or within such distance, and may, in addition to the powers and procedure prescribed in Section Four of the said Chapter, bring into port and detain such Vessel until payment or satisfaction of all Light-dues by law recoverable.

No. 122.—1879, March 19: Newfoundland Statute, 42 Vict., Cap. 2.

An Act to amend the law relating to the coast fisheries.

[Passed 19th March, 1879.]

Section.

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| 1. No herring to be taken between 20th of October and the 18th April, except in nets in the customary manner.
2. Sec. 1 of Cap. 102, of Title 27, Consolidated Statutes, and Section 1 of Act 39 Vic., repealed.
3. Sec. 12, of Chapter 102 of Title 27 of Consolidated Statutes, amended. | 4. Owner, &c., conveying herrings in bulk between 20th October and 18th April, shall be deemed to have caught such herring contrary to law.
5. Power to justices, sub-collectors, &c., to board vessels suspected; penalty for obstructing justices or other officers in discharge of duty.
6. Appeal to the Supreme Court in St. John's or on Circuit. |
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Be it enacted by the Governor, Legislative Council and Assembly, in Legislative Session convened, as follows:—

I.—No person shall haul, catch or take herrings by or in a seine or other such contrivance, on or near any part of the coast of this colony or its dependencies, or in any of the bays, harbors or other places therein, at any time between the twentieth day of October in any year, and the eighteenth day of April in the following year, or at any time use a seine or other contrivance for the catching and taking of herrings, except by way of shooting and forthwith hauling the same: Provided, that nothing herein contained shall prevent the taking of herrings by nets set in the usual and customary manner, and not used for in-barring or enclosing herrings in a cove, inlet, or other place.

II. Section one of chapter one hundred and two, of title twenty-seven, of the Consolidated Statutes, entitled "Of the coast fisheries," and section one of an act passed in the thirty-ninth year of the reign of Her present Majesty, entitled "An Act to amend the law relating to the coast fisheries, are hereby repealed.

III.—Section twelve of chapter one hundred and two, title twenty-seven, of the Consolidated Statutes, is hereby amended, by substituting the words "two hundred dollars," for the words "fifty dollars."

IV.—The owners, masters, and other persons managing or controlling vessels conveying herrings in bulk between the twentieth day of October in any year and the eighteenth day of April in the following year, shall be deemed to have hauled, caught, or taken such herring contrary to the provisions of chapter one hundred and two of the Consolidated Statutes, as amended by the said above recited act, thirty-nine Victoria, chapter six, and by this act, unless such owner, master, or other person aforesaid, shall make proof to the contrary before a Justice of the Peace.

V.—Any Justice of the Peace, Sub-Collector of customs, Preventive Officer, Fishery Warden, or Constable, may board any vessel suspected of carrying herrings in bulk between the twentieth day of October, in any year, and the eighteenth day of April in the following year; and in case any such Justice, Sub-Collector, Preventive Officer, Fishery Warden, or Constable, shall make signal, to any vessel suspected as aforesaid, from any vessel employed by the gov-

ernment, by dipping the ensign at the main peak three times, and firing a gun, it shall be the duty of the owner, master or person managing or controlling such vessel so signalled, to heave to such vessel until such Justice, Sub-Collector, Preventive Officer,

709 Fishery Warden, or Constable, shall have boarded and examined such last-named vessel; and in case of such master, owner, or person managing or controlling as aforesaid such last-named vessel, omitting so to heave her to, or to afford facilities for such Justice, Sub-Collector, Preventive Officer, Fishery Warden, or Constable, boarding such vessel, or obstructing, such Justice, Sub-Collector, Preventive Officer, Fishery Warden, or Constable, boarding or examining any such vessel, he shall be subject to a penalty of five hundred dollars, to be recovered with costs in a summary manner before a Justice of the Peace, and in case default shall be made in the payment of such penalty, such Justice shall issue his warrant and cause such offender to be imprisoned for a period not exceeding thirty days.

VI.—If any person shall feel himself aggrieved by any order or judgment of such Justice under this Act, or under the said Chapter, he shall have liberty to appeal to the Supreme Court in St. John's, or on circuit, upon giving sufficient security for the due performance of such order or judgment, if confirmed, and for the payment of all costs, and to prosecute the said appeal.

No. 123.—1882, May 20: Newfoundland Statute, 45 Vict., Cap. 21.

An Act to amend the Law relating to Coast and River Fisheries.

[Passed 20th May, 1882.]

Section.

1. Size of mesh in Traps.
2. Nets to capture Salmon or Trout in Rivers and Lakes prohibited for two years.

Section.

3. Section 1, Chapter 102, Consolidated Statutes, as to Labrador, repealed.
4. Penalties.

Be it Enacted by the Administrator of the Government, Council and Assembly, in Legislative Session convened, as follows:—

I. From and after the First day of January, Eighteen Hundred and Eighty-five, no person shall, upon the coasts of this Island or its Dependencies, use, for the purpose of taking Codfish, any Trap, the walls or sides of which consist of meshes of less than four inches.

II. No person shall, at any time within the period of Two Years from the First day of January, Eighteen Hundred and Eighty-three, set or permit to remain set, or to remain in the water, any Net or other contrivance whatsoever for the capture or taking of Salmon or Trout, in any River, Stream, Lake or Watercourse, in this Island and its Dependencies, and after the expiration of the said Two Years, no person shall, at any season between sunset on Friday and sunrise on the following Monday, set or permit to remain set, or to remain in the water, any net or other contrivance whatsoever for the capture or taking of Salmon or Trout, in any River, Stream, Lake or Watercourse, in this Island and its Dependencies. This Section shall not apply to the following Rivers, that is to say: the Exploits, Humber, Little Bay and Gander Rivers.

III. The provisions of Section 1, of Chapter 102, of the Consolidated Statutes, entitled "Of the Coast Fisheries," so far as the same relate to the Coast of Labrador, are hereby repealed.

IV. Any person acting in contravention of this Act shall be subject to the penalties provided by Section 12, Chapter 102, of the Consolidated Statutes, to be recovered and enforced in the manner provided for such penalties by the said Chapter.

No. 124.—1884, April 22: Extract from Newfoundland Statute, 47 Vict., Cap. 8.

An Act to amend the Law relating to the Coast Fisheries.

[Passed 22nd April, 1884.]

Section.

1. Herring may be taken at any time by certain vessels fitted out for Bank fishery.
2. Penalty for disposing of herring except in prosecution of Bank fishery.
3. Construction of term "Bank Fishery."
4. Nets, &c., to capture trout or salmon in rivers or lakes, prohibited; Proviso.
5. Governor in Council may declare bounds of rivers' mouths; Proclamation.
6. 45th Vic., Cap. 21, Sec. 2, repealed.

Section.

7. Space to be left between cod-traps and cod-nets.
8. Space to be left between cod-nets and cod-traps.
9. The setting out of moorings to secure place for cod-traps, &c. Proviso; Proviso.
10. Penalty for violation of this Act; Nets, &c., used contrary to 3rd section may be seized and forfeited.
11. Mode of recovery of penalties.
12. Application of penalties, &c.
13. Proceedings not to be quashed for want of form.

Be it enacted by the Administrator of the Government, Legislative Council and Assembly, in Legislative Session convened, as follows:—

I.—Notwithstanding any law to the contrary, it shall be lawful for the owner of any vessel owned and registered in this Colony, which shall be fully fitted out, supplied and ready to prosecute the 710 Bank fishery, and shall have obtained a Custom's Clearance for the said fishery, to haul, catch, and take herring, at any time and by any means, except by in barring or enclosing such herring in a cove, inlet or other place, to an extent not exceeding sixty barrels for any one voyage, to be used as bait in prosecuting the said Bank fishery in the said vessel.

II.—The owner or master of any vessel who shall avail of the first section of this Act, and having procured herring for bait as therein provided, after clearing for the Bank fishery, enter any port before the nineteenth day of April thence next following, except compelled by stress of weather, accident, or in case of sickness, or who shall dispose of the herring so taken for bait in any way except for prosecuting the Bank fishery in said vessel, shall be subject to a fine not exceeding two hundred dollars.

III.—The term "Bank fishery" in this Act shall be construed to mean a fishery prosecuted at a distance of at least forty miles from the coast of this Colony.

* * * * *

VII.—From and after the passing of this Act, no cod-trap shall be set on any of the fishing grounds of this Colony or its dependencies,

cod-trap previously set, nor at a less distance than fifty fathoms from any cod-net previously set.

VIII.—From and after the passing of this Act no cod-net shall be set on any of the fishing grounds of this Colony or its dependencies at a less distance than fifty fathoms from the nearest point of any cod-trap previously set, nor at a less distance than fifty fathoms from any other cod-net previously set.

IX.—If any person shall set out moorings on any of the fishing grounds of this Colony or its dependencies in order to secure the place where such moorings are set for the setting of any of his cod-traps, cod-nets, or bultows, and such person shall fail to set such cod-traps, cod-nets or bultows in such place within four days after setting out such moorings, it shall be lawful for any other person who may desire to secure the place where such moorings are set for the setting of his cod-traps, cod-nets or bultows, to remove such moorings, and there to set his own moorings, or cod-traps, cod-nets or bultows, and thereupon such person shall in his turn become liable to the provisions of this section: Provided, that if any person, after setting any moorings, shall be *bona fide* prevented by stress of weather from setting his cod-traps, cod-nets or bultows, within the said four days, such period shall be computed from the time at which the weather shall admit of his setting such cod-trap, cod-nets or bultows: Provided also that when any person, having set a cod-trap, cod-net or bultow, the same shall become damaged to an extent rendering it necessary that it be taken up for the purpose of repairs, he shall not thereby forfeit his right to re-set his cod-trap, cod-net or bultow in the place from whence it has been taken up.

X.—Any person who shall violate any of the provisions of this Act shall be subject to a penalty not exceeding fifty dollars; and all nets and other contrivances used contrary to the provisions of the third section of this Act shall be forfeited, and may be seized by any Justice, Sub-Collector of Customs, Preventive Officer, Fishery Warden or Constable, on view or by virtue of a warrant issued by such Justice upon complaint made on oath, and the same may be detained until the trial of the offender, and upon conviction the same may be declared forfeited, and ordered to be sold by public auction.

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No. 125.—1885, May 6: Newfoundland Statute, 48 Vict., Cap. 5.

An Act to amend an act passed in the 45th year of the Reign of Her present Majesty, Chapter 21 entitled "An act to amend the Law relating to Coast and River Fisheries."

[Passed 6th May, 1885.]

Section.

1. 45th Vic., cap. 21, sec. 1, repealed.
2. Size of mesh in Traps after January 1, 1886.

Section.

3. Penalties.

Be it enacted by His Excellency the Governor, the Legislative Council and Assembly, in Legislative Session convened:—

I.—The first section of the Act chapter twenty-one, passed in the forty-fifth year of the Reign of Her present Majesty, entitled, "An

Act to amend the Law relating to Coast and River Fisheries," is hereby repealed.

II.—From and after the first day of January, one thousand eight hundred and eighty-six, no person shall, upon the coasts of this island or its dependencies, use for the purpose of taking cod-fish, any trap, the walls or sides of which consisted at its original construction of meshes less than four inches, and no netting for alterations or repairs of cod-traps shall be less than four inches.

III.—Any person acting in contravention of this Act, shall be subject to the penalties provided by section 12, chapter 102, of the Consolidated Statutes, to be recovered and enforced in the manner provided for such penalties by the said chapter.

711 No. 126.—1887, February 21: Newfoundland Statute, 50 Vict., Cap. 1.

An Act to regulate the Exportation and Sale of Herring, Caplin, Squid, and other Bait Fishes.

[Passed February 21st, 1887.]

Section.

1. No person shall export, haul, catch, or take for exportation, Bait fishes, unless a license has first been granted by the Receiver General.
2. Persons found acting in contravention of this Act liable to have vessel seized.
3. How license granted.
4. Persons forging or counterfeiting signature guilty of an offence.

Section.

5. Penalty; provision.
6. Mode of procedure.
7. Right to appeal to Supreme Court.
8. Proceedings not quashed on account of mere matter of form.
9. Additional penalty.
10. What included under word 'vessel.'
11. Treaty rights reserved.
12. When Act shall come into operation.

Whereas in the interests of the Fisheries of the Colony, and for the preservation of the Bait necessary for the pursuit of these Fisheries, it is essential to regulate the Exportation and Sale of such Bait.

Be it therefore enacted by the Governor, the Legislative Council and Assembly, in Legislative Session convened, as follows:—

I.—No person shall

(1.) Export, or cause to procure to be exported, or assist in the exportation of, or

(2.) Haul, catch, purchase, or sell for the purpose of exportation, or

(3.) Sell or purchase for the purpose of sale, any Herring, Caplin, Squid, or other Bait fishes, from, on, or near any parts of this Colony or of its Dependencies, or from or in any of the Bays, Harbors, or other places therein, without a special license, in writing, obtained from the Receiver General of this Colony; which license may be in the form set forth in the Schedule hereto annexed, and shall be of no avail beyond the fishing season for which it is granted.

II.—Any person found hauling, catching, or taking, shipping or conveying any of the said fishes within the said limits, or any person having any of the said fishes in possession, may be examined on oath

by a Justice of the Peace, Officer of Customs, Fishery Warden, or person commissioned for the purpose, as to whether such Herring, Caplin, Squid, or other Bait Fishes are intended for exportation or sale, and on refusing to answer, or answering untruly, or failing to produce a license as above mentioned, such Justice, Officer of Customs, Fishery Warden, or person commissioned as aforesaid, may seize the vessel in or on board of which such Herring, Caplin, Squid, or other Bait Fishes shall have been hauled or caught, or put, kept, shipped, carried, or conveyed, or on board of which the same may have been found, her tackle, apparel, furniture and outfit, and bring the same before any Stipendiary Magistrate, and the person so refusing to answer, answering untruthfully, or failing to produce the said license, shall be guilty of an offence against this Act.

III.—The license provided for in the first Section shall be issued under the authority of the Governor in Council, and shall be countersigned by the Colonial Secretary.

IV.—If any person shall forge or counterfeit, or procure to be forged or counterfeited, the signature of the Receiver General to any such license as mentioned in the next preceding Section, or shall tender or offer in response to enquiries made under the provisions of this Act, or in evidence in any prosecution under this Act, any such license, knowing the signature thereto to be false or counterfeit, such person shall be deemed to be guilty of an offence against this Act.

V.—Every person guilty of a violation of any of the provisions of this Act shall, for the first offence, be liable to a fine not exceeding One Thousand Dollars, and in default of payment of any such penalty, to imprisonment for a period not exceeding Six Months, and for the second or any subsequent offence, to imprisonment for a period not exceeding Twelve Months.

VI.—All offenders against the provisions of this Act may be prosecuted and convicted, and all fines incurred under the provisions of this Act may be sued for and recovered in a summary manner before a Stipendiary Magistrate by any person who may sue for the same, one half of such fine shall go to the party who may prosecute the offender, and the remainder to the Receiver General for the use of the Colony; and in the event of the prosecution of an offender, who, under this Act, would not be liable to, or ordered to pay a fine, then the reasonable expenses of the prosecutor, including a fair amount for his time and labor expended in and about such prosecution, shall, on the certificate of the Magistrate who heard the cause, be paid to the prosecutor by the Receiver General.

VII.—If any person convicted under this Act shall feel himself aggrieved by such conviction, he may appeal therefrom to the then next sitting of Her Majesty's Supreme Court holden in or nearest to the place where such conviction shall have been had: Provided notice of such appeal, and of the cause and matter thereof, be given to the convicting Magistrate, in writing, within seven days next after such conviction, and the party desiring to appeal shall also, within fourteen days after such notice given, enter into recognizance with two approved sureties before the convicting Magistrate conditioned for the

appearance of the person convicted at such next sitting of the

712 Supreme Court, on the first day of such sitting, for the prosecution of the appeal with effect and without delay, to abide the judgment of the Court thereon, and to pay such costs as the Court

shall award. Any person who shall be convicted and imprisoned by any such Magistrate for an offence against this Act, and who shall have given such notice of appeal and shall have entered into such recognizance with approved sureties, may be discharged from prison, in which case the recognizance shall be further conditioned for the surrender of the convicted party, on the first day of such next sitting of the Supreme Court, to the Sheriff of the District in which such appeal shall be heard.

VIII.—No proceeding or conviction by, or order of, any Justice or other officer under this Act shall be quashed or set aside for any informality, provided the same shall be substantially in accordance with the intent and meaning of this Act.

IX.—Any person who shall violate any of the provisions of this Act, in addition to the penalties provided in the fifth Section hereof, shall be liable to have his vessel, or the vessel used by him, seized in manner aforesaid, her tackle, apparel, furniture and outfit forfeited, and sold by public auction.

X.—In this Act the word "vessel" shall include any boat or ship registered or not registered, jack, skiff, punt and launch, whether propelled by sails, oars or steam.

XI.—Nothing in this Act shall affect the rights and privileges granted by treaty to the subjects of any State in amity with Her Majesty.

XII.—This Act shall not come into operation unless and until the Officer administering the Government notifies, by Proclamation, that it is Her Majesty's pleasure not to disallow the same, and thereafter it shall come into operation upon such a day as the Officer administering the Government shall notify the same, or any other by Proclamation.

SCHEDULE.—Form of License mentioned in the First Section.

According to the provisions of the Act passed in the year of the Reign of Her present Majesty, entitled "An Act to regulate the Exportation and Sale of Herring, Caplin, Squid, and other Bait Fishes," permission is hereby given to A. B., of &c., to haul, catch, and take Herring, Caplin, Squid, and other Bait Fishes in his boat or vessel called the , during the ("current" or "now coming," as the case may be), fishing season, for the purpose of "exportation" or (and) "sale," or (as the case may be).

Dated at St. John's, this day of A. D. 188

C. D.,
Receiver General.

Countersigned:

E. F.,
Colonial Secretary.

No. 127.—1888, May 9: Newfoundland Statute, 51 Vict., Cap. 9.

An Act to amend an act passed in the fiftieth year of the Reign of Her present Majesty, entitled "An Act to regulate the Exportation and Sale of Herring Caplin, Squid, and other Bait Fishes."

[Passed 9th May, 1888.]

SECTION.

1. Construction.
2. Governor in Council may authorize issue of Licenses.
3. As to the form of License.
4. Who shall sign and countersign same.

SECTION.

5. To whom application shall be made.
6. Penalty in certain cases.
7. Governor in Council may limit or suspend operation of Act.
8. First section of 50 Vic., Cap. 1, amended.

Whereas it is desirable to make further provision for carrying into effect the objects of the Act 50 Victoria, Chapter 1, entitled "An Act to regulate the Exportation and Sale of Herring, Caplin, Squid, and other Bait Fishes," and to remove doubts in relation thereto.

Be it therefore enacted by the Governor, the Legislative Council, and House of Assembly, in Legislative Session convened, as follows:—

I. In the construction of the said Act the terms "Export" and "Exportation" shall be held to signify a conveyance to any place and for any purpose outside of or beyond the limits of the territorial waters of this Colony or its Dependencies.

II. The Governor in Council may authorize the issue of Licenses to purchase Herring, Caplin, Squid, or other Bait Fishes, to be used by the purchasers, *bona fide*, for the purposes of Bait in the prosecution of the Fishery upon or adjacent to the coasts of this Colony or its Dependencies, or of the Bank fishery.

713 III.—Every License granted under the authority of this Act, and of the above recited Act, shall state the name of the person to whom it is granted, of the vessel in which it is intended to export Bait or to carry on the Fishery, of the country or place to which it is intended to export Bait, or the Fishery which is intended to be prosecuted, or for which Bait is required, the place (as nearly as may be) where such Fishery is to be prosecuted, and the period for which such License is to be available, which shall not in any case extend beyond the then present fishing season; and the form prescribed in the Schedule to the said Act may be amended and adapted to the circumstances herein provided, and every sale to a person holding and producing a License issued under this Act, or the said Act, *bona fide*, for the purposes therein specified shall be lawful.

IV.—All Licenses issued under the authority of this Act shall be signed by a Customs' Officer, and countersigned by a Stipendiary Magistrate.

V.—Application for Licenses under this Act and the said above recited Act may be made to a Stipendiary Magistrate or Customs' Officer, who shall require the applicant to make before him an affidavit in the form set forth in the Schedule to this Act, stating the facts and particulars as required to be set forth in such License under Section III of this Act; and it shall be the duty of the said Stipendiary Magistrate or Customs' Officer to report to the Governor in Council any refusal on the part of the applicant to make such affidavit or any *bona fide* doubt on the part of such Stipendiary Magistrate or Customs' Officer of the truth of any of the statements set forth in such affidavit, or of a belief on his part that such license is applied for the purpose of evading or defeating, or assisting in evading or defeating, the provisions of this Act, or of the above recited Act.

VI.—Any person who, having obtained a License under the provisions of the said Act, or of this Act, shall depart from, exceed, or violate the terms or conditions thereof, shall be liable to the same penalties as are provided in and by the said Act for violation of the provisions thereof, and in addition to such penalties to a forfeiture of the License.

VII.—The Governor in Council may, at any time, by Proclamation, suspend or limit the operation of the provisions of said Act in relation to any District or part of this Colony, or the coasts thereof, and

for such period and in relation to sale or exportation to such places or to such purposes as shall appear expedient, and as shall be declared and defined in such Proclamation.

VIII.—The first Section of the said Act is hereby amended, by inserting after the word “the rein,” in Sub-Section Three of said Section, the words “for Bait purposes.”

SCHEDULE.—*Form of Affidavit mentioned in the fifth section.*

NEWFOUNDLAND,
To Wit.

I, A. B., of , make oath and say I am the owner, (master, or as the case may be), of the boat or schooner ; that I am (or that the said is) desirous of obtaining a License to haul or catch, or purchase, (as the case may be), Bait, to be conveyed (or used) on board the said vessel to (state the place to which it is proposed to convey or export Bait, or) to be used on board the said vessel at the fishery to be carried on at (place where the fishery is to be prosecuted), and that I desire such License to avail and be in force for said (voyage or purpose) for a period of

Sworn before me, at , this day of A. D. 18 .

A. B.

C. D.,
Stipendiary Magistrate.
or, E. F.,
Sub-Collector of Customs.
(Or as the case may be.)

No. 128.—1889, June 1: Newfoundland Statute, 52 Vict., Cap. 6.

An Act to amend and consolidate the Laws relating to the Exportation and Sale of Bait Fishes.

[Passed 1st June, 1889.]

Section.

1. Persons shall not export, haul, catch, take, purchase, or have in possession, any bait fishes for the purpose of exportation.
2. Licenses may be granted for certain purposes.
3. Licenses issued under certain authority.
4. Power of Governor in Council to suspend or limit operation of Act.
5. Conditions under which Licenses granted.
6. To whom applications for Licenses shall be made.
7. Licensee shall give bond to Receiver General.
8. Form of License, Bond, &c.
9. Penal clause.
10. Power given to convicting magistrate to confiscate, &c.
- 714 11. Penalty for violation of Act.
12. *Onus probandi* upon accused party.

Section.

13. Power to appoint Commissioners conferred upon Governor in Council.
14. Power to board and search ships or vessels conferred upon certain persons.
15. Certain persons may be examined on oath by a J. P. and other officials of the Government.
16. Additional powers given to officials.
17. What shall be evidence.
18. Offenders may be prosecuted summarily before a Stipendiary Magistrate.
19. Power of appeal.
20. Want of form in proceeding not ground for setting aside judgment.
21. Interpretation clause.
22. Treaty rights preserved.
23. Power of Stipendiary magistrates.
24. Repealing clause: Proviso.
25. Time at which Act shall come into force.

Be it enacted by the Governor, Legislative Council and Assembly, in Legislative Session convened, as follows:—

I.—No person shall—

- (1.) Export, or cause or procure to be exported, or assist in the exportation of; or,

- (2.) Haul, catch, take, or have in his possession, for the purpose of exportation; or
- (3.) Purchase or receive in trade or barter, for the purpose of exportation; or
- (4.) Take, ship or put, or haul on board or assist in taking, shipping, putting, or hauling on board of any ship or vessel for any purpose whatever; or
- (5.) Carry or convey on board of any ship or vessel, for any purpose whatever, any herring, capelin, squid, or other bait fishes, from, on, or near any parts of this Colony or its dependencies, or from or in any of the bays, harbors, or other places therein, without a licence in writing, to be granted and issued as hereinafter provided.

II. Licences may be granted for any of the following purposes, viz.:—

- (a) To export bait fishes to a foreign country for bait purposes.
- (b) To export bait fishes to a foreign country for food or consumption.
- (c) To export bait fishes for use for bait purposes in prosecuting deep sea fisheries.
- (d) To haul, catch, or take bait fishes for exportation.
- (e) To purchase bait fishes for exportation for food or consumption.
- (f) To take, ship, or put on board a ship or vessel, or to carry or convey on board a ship or vessel bait fishes for exportation for food or consumption.
- (g) To purchase bait fishes for exportation for bait purposes.
- (h) To take, ship, or put on board a ship or vessel or to carry or convey on board a ship or vessel bait fishes for exportation for bait purposes.
- (i) To take, ship, or put on board a ship or vessel, or to carry or convey on board a ship or vessel, coastwise, to be discharged or landed or transhipped to some other ship or vessel within some port in this Colony.

III. No such licences shall be issued except under the authority of the Governor in Council, and countersigned by the Colonial Secretary.

IV.—The Governor in Council may, from time to time, by Proclamation, suspend or limit the operation of this Act, and the issue of licences thereunder, in relation to any district or part of this Colony, or the coasts thereof, and for such period and in relation to sale or exportation to such places or for such purposes and in such quantities as shall appear expedient, and as shall be declared and defined in the Proclamation.

V. No licence under this Act shall be granted to any person unless he shall have first made an affidavit before a Sub-Collector or Preventive Officer of Customs, or a stipendiary Magistrate, setting forth the following particulars, viz.: the name of the person to whom the licence is to be granted, the name of the vessel on board of which it is intended to convey or export bait fishes, the purpose for which such bait fishes are intended to be conveyed or exported, whether for food or consumption, or for bait purposes, the country to which it is intended to export the same, or the place where the fishery is to be prosecuted, for which such bait fishes are to be used.

VI.—Applications for licences under this Act shall be made to a stipendiary Magistrate or a Customs' Officer, who shall require the applicant in each case to make, before him, an affidavit stating the facts and particulars, as required under Section Five to be set forth in the licence; and it shall be the duty of the said stipendiary Magistrate or Customs' Officer to report to the Governor in Council any refusal on the part of the applicant to make such affidavit, on any *bona fide* doubt on the part of such stipendiary Magistrate or Customs' Officer of the truth of any of the statements set forth in such affidavit, or of a belief on his part that such licence is applied for for the purpose of evading or defeating, or assisting in evading or defeating, the provisions of this Act. In such case it shall be the duty of such stipendiary Magistrate or other officer to [Sic.] withhold such licence and await further instructions.

VII.—In every case in which a licence is granted under this Act, the person to whom the same is granted shall also give bond to the Receiver General of this Colony, with two sufficient securities in the sum of not less than one thousand dollars or more than two thousand dollars each, containing the condition that the terms of the licence shall, in all respects, be complied with; and in the case of a licence to export to a foreign country, that satisfactory proof of the landing of the cargo in such foreign country will be furnished within a stated period, and the forfeiture of the penal sum under such bond shall be in addition to any other penalty, forfeiture or punishment which may be imposed for the same offence under this Act.

715 **VIII.**—The forms of the licences, affidavits and bonds, above provided, shall be prescribed by the Governor in Council.

IX.—Any person who shall violate any of the provisions of Section One of this Act, or any of the Sub-Sections thereof; or,

- (1.) Use, dispose of, or deal with, any bait fishes, otherwise than in accordance with the terms of the affidavit made upon application for a licence, or with the terms of such licence; or,
- (2.) Make any untrue statement in any affidavit upon application for a licence under this Act; or,
- (3.) Obtain a licence under this Act by means of any false statement or misrepresentation, or by the suppression or concealment of any material fact, shall be liable for every first offence to a penalty not exceeding one thousand dollars or imprisonment for a period not exceeding twelve months,
- (4.) Any person convicted of a second or subsequent offence under this Act shall, on conviction, be subject to imprisonment, with hard labour, for a period of not less than twelve months,

X.—In addition to the punishment prescribed by the foregoing Section, the convicting Magistrate may order the confiscation and sales of the herring, caplin, squid, or other bait fishes, which have been sold, purchased, hauled, taken, conveyed or exported in violation of the provisions of this Act, or the terms of any licence thereunder, or of the boat or vessel on board of which such bait fishes shall be found to have been unlawfully shipped, conveyed or exported, and the forfeiture of any licence held by the offender.

XI.—Any person who shall sell any herring, caplin, squid, or other bait fishes, for the purpose of shipping or putting on board of any ship or vessel, or for the purpose of exportation to any person

not holding or producing a licence under this Act, shall be liable to a fine not exceeding five hundred dollars, or to imprisonment not exceeding three months.

XII.—In any prosecution under the next proceeding Section, the onus of proof that the bait fishes were not intended for shipment or for exportation, shall rest upon the party accused: Provided there be a proof of a sale under such circumstances as shall be consistent with a reasonable presumption that shipment or exportation was intended.

XIII.—The Governor in Council may, from time to time, appoint special Commissioners for the purpose of enforcing the provisions of this Act.

XIV.—Any such Commissioner, or any Justice of the Peace, Sub-Collector, Preventive Officer, Fishery Warden or Constable, may board and examine and search any boat or vessel suspected of having on board, or conveying or exporting bait fishes contrary to the provisions of this Act or of any licence granted thereunder; and in case any such Commissioner, Justice of the Peace, Sub-Collector, Preventive Officer, Fishery Warden, Constable, or the crew of any vessel employed by the Government, shall make a signal by hoisting the International Signal B. M. I., meaning "Heave to, I will send a boat," and firing a gun or by dipping at the main peak three times the flag, with the badge of the Colony, as prescribed by the Colonial Regulations, it shall be the duty of the owner, master or person managing or controlling such vessel to heave to until such Commissioner, Justice, Sub-Collector, Fishery Warden or Constable shall have boarded and examined such last-named vessel; and in case of such owner, master or person managing or controlling such last-named vessel, omitting to heave her to, or obstructing or omitting to afford facilities for such Commissioner, Justice, Sub-Collector, Preventive Officer, Fishery Warden or Constable, in boarding and examining such vessel, he shall be subject to a penalty not exceeding five hundred dollars, or to imprisonment for a term not exceeding three months. The master of any vessel who shall refuse or unreasonably delay in obeying such signal may be arrested and brought before a stipendiary Magistrate, and his vessel may be seized and held by any such Commissioner, Justice, Sub-Collector, Preventive Officer, Fishery Warden or Constable, until an adjudication shall have taken place upon a complaint under this Section.

XV.—Any person found hauling, catching, taking, purchasing, selling, shipping or conveying any bait fishes, or any person having any such fishes in his possession, or the master, owner, or crew of any boat or vessel on board of which any bait fishes may be found, may be examined on oath by a Justice of the Peace, Sub-Collector, or Preventive Officer, Fishery Warden or Commissioner, appointed under this Act, as to the quantity and kind of bait fishes in his possession, or on board of such boat or vessel, the purpose for which such bait fishes are intended to be used, or as to the place to which the same are intended to be conveyed or exported, and upon his refusing to answer, or answering untruly, or failing to produce a licence under this Act, or having such licence, being found to have violated or failed to comply with the provisions thereof, such Justice, Sub-Collector, Preventive Officer, Fishery Warden or Commissioner, may

seize the boat or vessel on board of which such bait fishes shall have been hauled or caught, or put, kept, shipped, carried, conveyed or exported, or on board of which the same may have been found, her tackle, apparel, furniture, and outfit, and the said bait fishes so found as aforesaid, and may hold the same until an adjudication shall have been had upon a complaint in relation to such alleged offence.

XVI.—In any such case as mentioned in the next preceding Section, any officer therein authorized to seize any boat or vessel, and any Constable or Peace Officer then present, shall have power, by direction of any such officer authorized as aforesaid, and without any warrant or complaint upon oath, to arrest any person found committing or omitting to do any of the acts for or on account of which such boat or vessel may be seized, and to detain him in custody until an adjudication shall have taken place as before provided.

XVII.—In any prosecution under this Act, the fact of shipping, putting or having bait fishes on board of any boat or vessel, shall be *prima facie* evidence of the same having been so shipped, put, 716 had, or conveyed, for the purpose of exportation, and the refusal or failure to produce a licence upon being called upon so to do, shall be *prima facie* evidence of such bait fishes having been shipped, put, conveyed or exported without a licence; and any exportation, or intended exportation of bait fishes shall, in the absence of proof to the contrary, be held to be an exportation or intention to export for bait purposes.

XVIII.—All offenders against the provisions of this Act may be prosecuted and convicted, and all fines, forfeitures, penalties, orders for confiscation, and other punishments imposed, recovered, and made in a summary manner before a stipendiary magistrate. In the event of the prosecution of an offender who would not be liable to or ordered to pay a fine, then the reasonable expenses of the prosecutor, including a fair amount for his time and labor expended in and about such prosecution shall, on the certificate of the Magistrate who heard the case, be paid to the prosecutor by the Receiver General.

XIX.—If any person convicted under this Act shall feel himself aggrieved by such conviction, he may appeal therefrom to the then next sitting of Her Majesty's Supreme Court holden in or nearest to the place where such conviction shall have been had: Provided notice of such appeal and of the cause and matter thereof be given to the convicting Magistrate, in writing, within seven days next after such conviction, and the party desiring to appeal shall also, within fourteen days after such notice give and enter into recognizance, with two approved sureties, before the convicting Magistrate, conditioned for the appearance of the person convicted at such next sitting of the Supreme Court on the first day of such sitting, for the prosecution of the appeal with effect and without delay, to abide the judgment of the Court thereon and for the delivery and surrender of any vessel or other property ordered to be confiscated, and to pay such costs as the Court shall award. Any person who shall be convicted and imprisoned by any such Magistrate for an offence against this Act, and who shall have given such notice of appeal, and shall have entered into such recognizance with approved sureties, may be discharged from prison, in which case the recognizance shall be further conditioned for the surrender of the con-

victed party, on the first day of such next sitting of the Supreme Court, to the Sheriff of the District in which such appeal may be heard.

XX.—No proceeding or conviction by, or order of any Justice or other officer under this Act, shall be quashed or set aside for any informality, provided the same shall be substantially in accordance with the intent and meaning of this Act.

XXI.—In this Act the word "vessel" shall include any boat or ship registered or not registered, jack, skiff, punt, or launch, whether propelled by sails, oars, or steam.

XXII.—Nothing in this Act shall affect the rights and privileges granted by Treaty to the subjects of any State in amity with Her Majesty.

XXIII.—For the purposes of this Act, all stipendiary Magistrates shall be deemed to be stipendiary Magistrates for the Colony, and may exercise the jurisdiction given by this Act in any part of the Colony. All officers engaged in carrying out this Act, and the masters and crews of all vessels engaged in the said Service, may severally be sworn as Special Constables, and shall, while engaged in carrying out this Act, have all the powers, authority and protection of Police Constables.

XXIV.—The Act passed in the Fiftieth year of the Reign of Her present Majesty, Chapter One, entitled "An Act to regulate the Exportation and Sale of Herring, Caplin, Squid, and other Bait Fishes;" and the Act passed in the Fifty-first year of the said Reign, Chapter Nine, entitled "An Act to amend an Act passed in the Fiftieth year of the Reign of Her present Majesty, entitled 'An Act to regulate the exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes,'" are hereby repealed: Provided that this repeal shall not be held to effect any penalty, forfeiture or liability incurred under the said Act, or any proceedings for enforcing the same, had, done, completed or pending at the time of this appeal, or any office, appointment or authority or duty created, conferred or imposed, or any right or privilege acquired or existing, or any licence granted under the authority of the said Acts; and provided further, that every person holding a license under either of said Acts shall, as soon as practicable after the passing of this Act, surrender the same to the nearest Magistrate or Customs' Officer authorized to issue licences under this Act, who shall thereupon grant in lieu thereof a licence under the provisions of this Act for such purpose as the same shall be required; and any licence issued under the authority of said Acts, not so surrendered as soon as practicable, or within a reasonable period, shall be held to have been terminated and to be of no further effect.

XXV.—This act shall come into force at such date as shall be appointed by the Governor by his Proclamation.

717 No. 129.—1889, June 1: Newfoundland Statute, 52 Vict., Cap. 7.

An Act to provide for the Formation of a Fisheries' Commission and for other purposes.

[Passed 1st June, 1889.]

Section.

1. Respecting appointment of Commissioners, their powers, duties, &c.
2. Appointment as Chairman.
3. Board authorized to make rules.
4. Executive Committee.
5. To have management, &c.
6. Quorum.
7. Quarterly Meetings.
8. Special Meeting.
9. Quorum.
10. Power to employ servants, &c.

Section.

11. Committee to keep record.
12. Majority Vote.
13. Power to appoint an Inspector.
14. Inspector to have direction.
15. Duties of Superintendent.
16. Powers of Commission, &c.
17. Vote of members relative to rules.
18. Rules and Regulations to be laid on Table of Legislative Council and House of Assembly.
19. Report also to be laid on Table.

Be it enacted by the Governor, the Legislative Council and the House of Assembly, in Legislative Session convened, as follows:—

I.—The Governor in Council may appoint a Board consisting of not less than twenty Commissioners, which Board shall be called a Fisheries Commission, hereafter called the Commission.

The powers, duties, and functions of the said Commission shall be—

To make enquiries and researches upon and in relation to all matters pertaining to the preservation, maintenance, improvement and development of the fisheries, and the trade, commerce, and interests of the Colony, so far as the same are connected with or relate to the fisheries and fishery questions.

To devise, organise, and maintain such methods of collecting, preserving, and diffusing such knowledge and information as they may consider best adapted to the attainment of such objects.

II.—One of the members of the Commission shall be appointed by the Governor in Council as Chairman of the Commission.

III.—The Commission shall have power to make rules and bye-laws relating to the meetings and business of the Commission, subject to the approval of the Governor in Council.

IV.—There shall be an Executive Committee of the Board consisting of seven members, of whom the Chairman shall be, *ex officio*, one, and the remaining six shall be elected by the members of the Commission at each annual meeting.

V.—The Executive Committee shall, subject to the direction signified by the resolutions at general meetings, have the management of the business and affairs of the Commission, except as hereinafter provided.

VI.—Any four members of the Executive Committee shall be a quorum for the transaction of business.

VII.—There shall be four quarterly meetings of the members of the Commission every year upon such days in the months of January, April, July and October, as may be appointed by the Executive Committee. The general meeting in January shall be the annual meeting.

VIII.—Special general meetings of the Committee may be held at any time by order of the Executive Committee.

IX.—At any general meeting of the Commission eleven members present shall form a quorum.

X.—Upon the recommendation of the Commission, the Governor in Council shall have power to employ and appoint such officers as may be necessary for carrying out the work of the said Commission, and upon the recommendation of the Commission the Governor in Council shall, for cause, dismiss any of such officers.

XI.—The Commission and Executive Committee respectively, shall keep a full and true record of all their proceedings, which shall be subject to confirmation by the Governor in Council.

XII.—At all meetings of the Commission and Executive Committee a majority of members shall decide. The Chairman shall have a vote upon all questions, and in case of a tie shall also have a casting vote.

XIII.—The Governor in Council shall have power to appoint an Inspector or Superintendent of Fisheries and of Fish Hatcheries.

XIV.—The said Inspector or Superintendent shall, subject to the direction of the Commission, have the superintendence and management of the erection and maintenance of one or more Hatcheries for the propagation of Cod or other fishes.

XV.—The said Inspector or Superintendent shall perform all such other duties and services as may from time to time be directed by the said Commission in the exercise of their functions.

XVI.—The Commission shall have power to make and prescribe rules and regulations in relation to the prosecution of the several fisheries of the Colony; to the fixing of close season; to the methods, appliances and contrivances to be used and adopted in and for the taking of fish, and the times, seasons, and manner for and in which the same or any of them may be used or adopted, which rules or regulations may apply to such districts or places and for such periods and under such limitations as may therein be stated or defined, and to fix and impose penalties for the violation or non-
718 performance of such rules and regulations and the mode of prosecution therefor, and from time to time to alter and repeal the same.

XVII.—The rules and regulations provided for by the preceding Sections, and any alterations, amendments, or repeal thereof, shall not be passed or adopted except by a vote of at least eleven members.

XVIII.—The said rules and regulations, and all alterations and amendments thereof, shall be laid upon the Table of both branches of the Legislature within ten days after the opening of each Session thereof. By resolution of both branches of the Legislature, the said rules, regulations or amendments may be confirmed in whole or in part, and when so confirmed shall, at the close of the Session and upon publication in the *Royal Gazette*, certified by the Colonial Secretary, become law; but any amendments may be adopted by resolution of both branches of the Legislature, and come into force in the same manner as above provided.

XIX.—An annual report of the Commission shall be laid on the Tables of both branches of the Legislature within ten days after the opening of each Session.

No. 130.—1890, June 16: *Rules and Regulations under Newfoundland Statute, 52 Vict., cap. 7, sec. 16.*

Rules and Regulations respecting the lobster industry and cod-fishery, made under and by virtue of Section XVI of an Act passed in the fifty-second year of the Reign of Her present Majesty, entitled "An Act to provide for the formation of a Fisheries' Commission, and for other purposes."

[Passed House of Assembly, 6th June, 1890.]
[Passed Legislative Council, 9th June, 1890.]

These Rules and Regulations became law by publication in the "Royal Gazette" of June 16th, 1890.

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II.—COD FISHERY.

17.—The use of Cod-traps shall be allowed in the fisheries of Newfoundland and its dependencies, subject to the limitations hereinafter contained.

18.—No person shall, upon the coast of Newfoundland or its dependencies, use, for the purposes of taking codfish, any cod-trap, the walls or sides of which consist of meshes of less than four inches; nor shall any person use for the said purposes, in connection with the walls or sides of any cod-trap, any netting which consists of meshes of less than four inches, except for the purpose of removing fish from the trap.

19.—No person shall place in the waters along the coast of Newfoundland, any cod-trap or cod-trap mooring, before the fifteenth day of June in any year.

20.—No person shall place in the waters of that portion of Labrador coast which is under the control of the Government of Newfoundland, any cod-trap or cod-trap mooring before the twenty-fifth day of June in any year.

21.—Any cod-trap contrivance used in connection therewith, or cod-trap mooring used or placed in contravention of Rules and Regulations numbered 18, 19 and 20, may be seized by any Justice, Sub-Collector of Customs, Preventive Officer, Fishery Warden or Constable, on view, or by warrant issued by any Justice upon complaint made upon oath before him, and detained until the trial of the offender; and upon conviction the same may be declared forfeited, and ordered to be sold at public auction.

22.—Any person violating Rules and Regulations numbered 18, 19 and 20, shall be subject to a penalty not exceeding one hundred dollars: If such person be the owner of the trap, contrivance used in connection therewith, or mooring, the above penalty of one hundred dollars shall be in addition to the forfeiture provided for under Rule and Regulation number 21.

23.—Any person using a herring seine or capelin seine to take or haul codfish, shall, on conviction, forfeit the same, and be subject to a penalty not exceeding one hundred dollars.

24.—No person shall, in the following Harbors in Placentia Bay, namely: Paradise Sound, Boat Harbor, and Roger's Harbor, use any bultow, cod-trap, cod seine, or any other contrivance, except hook-and-line, for catching codfish under a penalty of one hundred dollars and confiscation of such contrivance hereby prohibited.

25.—Fish required for scientific or procreative purposes, or for immediate use, may be taken at any time by any method.

26.—All penalties and the proceeds of all sales of forfeited fishing gear, imposed and collected under the foregoing Rules and Regulations shall be distributed as follows, viz: One half to the person prosecuting the offender to conviction and the residue to the Receiver General for the use of the Colony.

719 27.—All forfeitures and penalties for a breach of these Rules and Regulations shall be recovered in a summary manner before a Stipendiary Magistrate.

28.—Whenever the penalty imposed shall exceed one hundred dollars, or the penalty and the value of the forfeited fishing gear together amount to more than one hundred dollars, then any person feeling himself aggrieved by any judgment of such Magistrate shall have liberty to appeal to the Supreme Court in St. John's, or on Circuit, upon giving sufficient security for the due performance of such judgment if confirmed, and for the payment of all costs, and to prosecute the said appeal.

29.—The security provided under Rule and Regulation number 28. shall, in no case, exceed the sum of one thousand dollars.

30.—Pending the hearing and adjudication of such appeal, the owner or master of the codtrap, herring seine or caplin seine shall be permitted to fish with the same.

31.—These Rules shall continue in force for one year from the 15th day of May, 1890, and until next session of the Legislature; and provided further that these Rules shall not be construed as affecting the fisheries on that part of the coast where the French have Treaty rights, until the approval of Her Majesty has been obtained.

No. 131.—1891, June 16: *Rules and Regulations under Newfoundland Statute, 52 Vict., Cap. 7, sec. 16.*

Rules and Regulations respecting the Lobster Industry and the Cod and Herring Fisheries, made under and by virtue of Section 16. of an Act passed in the fifty-second year of the reign of Her present Majesty, entitled "An Act to provide for the formation of a Fisheries' Commission, and for other purposes."

[*Passed House of Assembly 16th April, 1891.*
[*Passed Legislative Council 27th April, 1891.*]

These Rules and Regulations became law by publication in the "Royal Gazette" of June 16th, 1891:—

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III.—HERRING FISHERY.

29.—No herring shall be hauled and barred in seines, except under the conditions and in the manner prescribed by these rules.

30.—No herring shall be barred in a seine of less than seventy fathoms in a dry condition, or in water of less depth than three fathoms, or for a longer period than forty-eight hours, or so tightly that there is danger of the herring perishing while so barred.

31.—In case there is no prospect of using or disposing of barred herring in a condition fit for human food or bait purposes, such herring shall be liberated forthwith, and any person so inbarring herring that they perish from being inbarred shall be guilty of an

offence against these rules, and shall, upon conviction, be subjected to a penalty not exceeding one hundred dollars.

32.—No person shall, with a seine or other contrivance, inbar or enclose the whole of a cove or inlet, and any person shooting seines or other contrivances across from the one side of a cove or inlet to the other, shall so secure such seine or other contrivance as to leave one third of the cove or inlet open for traffic.

33.—No person shall bar herring in waters the bottom of which shall be fetid.

34.—Where any person has commenced to shoot his seine, no person shall place or set any fishing gear, net or other contrivance, within the space such seine is about to encompass.

35.—No net, or other contrivance, shall be placed inside a seine for the purpose of catching herring out of such seine, without the permission of the owner of the seine.

36.—In case a seine has been shot around a shoal of herring, and nets have been previously placed in such position as to prevent the hauling and securing of such seine to the shore, the owner of such nets shall remove his nets on demand of the seine owner or his agent, and if the owner of the nets be not present, the owner of the seine, or his agent, may remove such nets, or haul the nets shorewards with the seine, but in such case the owner of the seine shall compensate the owners of the nets for any damage done to the nets, and return the quantity, or pay the value, of such herring as may be in the nets.

37.—If in barring herring the seine should be left standing over any gear belonging to a net fisherman, such gear shall not be taken up unless with the consent of the owner of the seine or his agent, but in such case the owner of the seine shall within six hours thereafter return such nets or pay the owner the value thereof.

38.—In the shooting of seines the first person who throws out his rope and shoots, and continues to shoot his seine shall be entitled to the sweep, and any person obstructing or preventing such person from so shooting shall be guilty of an offence against these rules.

720 39.—In case two seines shall be shot at the same time, and one shall be inside the other, and the herring be taken in both seines, the catch shall belong equally to both owners, but in case herring be taken in only one seine, the owner of the other seine shall have no claim to any portion of the catch.

40.—In case two seiners shall shoot their seines at the same time, so as to form one circle, and neither secures his catch separately, the catch shall be divided.

41.—When herring has been removed from a seine, such seine shall, within six hours thereafter, be taken out of the water, provided the weather does not interfere with such removal, and in case such empty seine interferes with the mooring or operations of any other seine, such empty seine shall be forthwith removed by the owner.

42.—Any person interfering with or obstructing the owner of a seine in the hauling or tucking thereof, or by rowing, or making any kind of noise, or otherwise wilfully frightening herring from a seine, shall be guilty of an offence against these rules, and shall on conviction be subject to a penalty not exceeding fifty dollars.

43.—No person shall set any net so close to any seine as to stand over the mooring of such seine, and no person shall set his nets in such manner as to submerge the nets of any other person.

44.—Any person wilfully injuring or destroying the gear, nets, seines or other contrivances of any person, or so wilfully and illegally interfering with and destroying the catch of any such person, shall be guilty of an offence against these rules, and shall, on conviction, be subject to a penalty not exceeding one hundred dollars.

45.—In case fishing gear becomes so entangled that it cannot be cleared without injury, such gear may be taken on shore, and the owners thereof shall aid and assist in the clearing of the same with as little injury as possible to the property of each other.

46.—In case any person is compelled to cut the rope of another in getting his gear out of the water, such rope shall be securely tied before the same is dropped back into the water.

47.—No owner or captain of a vessel shall, during the herring fishery season at Sound Island, anchor or permit to remain at anchor, in any cove or place where herring are in the habit of frequenting or are being caught, any vessel; and all vessels coming to Sound Island for the purpose of catching or purchasing herring shall remain at anchor below the north-eastern point of Sound Island.

48.—The Fisheries' Commission may appoint a Board of Sanitary Commissioners for Sound Island, consisting of three inhabitants of that place, whose duties shall be to select suitable places where spoiled herring may be disposed of without injury to the health of the inhabitants.

49.—The foregoing rules, numbered from 29, inclusive, to 48, inclusive, shall be construed to apply to Sound Island only, in Placentia Bay.

50.—No herring shall be taken at any time, or in any waters of this Colony, for the purpose of being used as manure.

51.—No person shall catch, take or bar herring in a seine, net or other contrivance, between the hours of twelve o'clock on Saturday night and twelve o'clock on Sunday night, and no nets or other contrivances (except seines containing herring which shall have been barred before twelve o'clock on Saturday night) shall be allowed to be set or remain in the water during the aforesaid period, under a penalty not exceeding one hundred dollars.

52.—No person shall place herring on " scaffold " in warm or " soft " weather.

53.—No person shall catch or take herring of which there is no immediate prospect of sale in fresh or frozen condition, or unless for the purpose of being cured in salt, or for bait purposes.

54.—No person shall throw any herring from any scaffold, vessel or boat, into the water.

55.—No person shall throw any ballast, sand or rubbish into the waters where herring are known to frequent, but all spoiled herring, ballast, sand or rubbish, shall be carried to such places as the Sanitary Commissioners may direct.

56.—A barrel of green herring shall contain thirty-two imperial gallons.

57.—The standard measure for the sale of frozen herring shall be one imperial bushel.

58.—Where, in these rules, no penalty is prescribed for the breach of any rule, the person violating the same shall be subject to a penalty not exceeding one hundred dollars.

59.—All penalties for breach of these rules may be recovered in a summary manner on complaint before a Justice of the Peace, and half the penalty shall go to the person prosecuting the offender to conviction and half to the Receiver General for the use of the Colony, except where the complaint is by a person who has suffered by the wilful act of another, when the full penalty shall be paid to the complainant.

No. 132.—1892, June 1: *Newfoundland Statute, 55 Vict., Cap. 10.*

An Act respecting foreign fishing vessels.

[Passed 1st June, 1892.]

Section.

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| 1. The Governor may issue licenses to foreign fishing vessels. | Section. |
| | 2. Fee for license. |
| | 3. Time of operation of Act. |

Be it enacted by the Governor, the Legislative Council, and House of Assembly in Legislative Session convened, as follows:—

721 1.—The Governor in Council may authorise the issue of licenses to Foreign Fishing Vessels, enabling them to enter any port on the coasts of this Island during the present year, and until the closing of the session of the Legislature to be held in the year 1893, for the following purposes:—

(a) The purchase of bait, ice, seines, lines and all other supplies and outfits for the fishery, and shipping of crews.

2.—The fee for every such license shall be one dollar and fifty cents per registered ton, and the terms and conditions thereof shall be determined by the Governor in Council.

3.—This Act shall not come into operation until proclamation by the Governor in Council, and the Governor in Council may at any time after the Act shall be in force, suspend the operation of the same.

No. 133.—1892: *Newfoundland Statute: Consolidated Statutes (Second Series) 1892, Cap. 119.^a*

Of pilots and pilotage for the port of St. John's.

Section.

- Number of Commissioners of Pilots for St. John's.
- Pilots must be qualified.
- Certificates to be granted.
- Certificates to be numbered.
- Commissioners may establish bye-laws.
- Rules subject to approval of Governor in Council.
- Commissioners may make rules for punishing breach of regulations.
- Rates of pilotage.
- Every vessel to show flag.
- Sailing vessels not to pay pilotage more than once in thirty days.
- Licensed pilot to carry flag.
- Penalty for taking pilot to sea.
- Penalty for unlicensed persons acting.

Section.

- What ships compelled to take a pilot.
- Where no licensed pilots.
- Commissioners to determine disputed claims.
- Method of recovering penalties.
- Right of appeal.
- How "Pilots Fund" to be invested.
- Master pilots to report to Commissioners.
- Commissioners to report to Governor in Council.
- Relief of superannuated pilots.
- Respecting bye-laws.
- Confirmation and publication of bye-laws.

*Act now questioned by the United States: see Appendix, pp. 4-5.

1. There shall be five commissioners of pilots, three of whom shall be a quorum, for the Port of St. John's, who shall act gratuitously, and meet at least once a month. The appointment of such commissioners shall be in the Governor in Council. Every commissioner shall take the following oath before a Judge or Magistrate:

I, A. B., do swear that I will act diligently, faithfully and impartially in the discharge of the duties of a commissioner of pilots for the port of St. John's.

2. The commissioners shall not license any one as a pilot except on due examination they shall find him a fit person to act in that capacity, and until the present number of pilots is reduced to nine, and thereafter never to exceed nine. No more pilots shall be licensed except such persons as were apprenticed to licensed pilots and entered as such in the commissioners' books three years prior to the passage of this chapter.

3. The commissioners shall grant certificates to licensed pilots in the following form, and such certificates shall be revocable at pleasure:

CERTIFICATE.

No.

PORT OF ST. JOHN'S, NEWFOUNDLAND.

I, C. D., Chairman of the Board of Commissioners appointed by law to examine and select pilots for the said port, do hereby certify that E. F., having been examined by the said board, was deemed a fit person to undertake the pilotage of vessels of every description into and out of the said port, and on the day of , A.D. 18 , was by said board licensed to act in that capacity.

(Signed) C. D.,
Chairman.

[This license can not be lent or transferred.]

Age.	Height.	Complexion.	Color of Hair and Eyes.	Remarks.

722 4. Every certificate granted to a licensed pilot shall be numbered and registered in a book kept for that purpose and shall be annually renewed. Pilots shall pay four dollars for every such certificate; and in case of loss or defacing the same, not above two dollars for a new certificate. No licensed pilot shall land or transfer his certificate under a penalty of twenty dollars for the first offence, and for a second offence shall lose his certificate, and shall not be again licensed. Every licensed pilot shall pay annually eight dollars to the secretary of the commissioners for the benefit of the pilots' fund.

5. The commissioners may establish bye-laws for the further regulation of pilots and for extra remuneration in cases of an extraordinary nature, and for the adjustment and decision of questions arising between masters of vessels and pilots and others, respecting pilotage, and also respecting the salvage of anchors and cables, and may annex penalties for enforcing the same; but no bye-laws shall be in force until approved of by the Governor in Council.

6. Subject to the approval of the Governor in Council, the commissioners may make regulations for the government of licensed pilots and their apprentices, and for ensuring their sobriety and good conduct and constant attendance to, and effectual performance of their duty on board and on shore.

7. Subject to the approval of the Governor in Council, the commissioners may make rules for punishing any breach of their regulations by the withdrawal or suspension of the license or certificate of the pilot guilty of such breach, or by the infliction of penalties upon pilots or apprentices; so, however, that every such penalty be capable of reduction at the discretion of the commissioners.

8. The rates of pilotage payable by vessels entering or leaving the port of St. John's, shall be as follows, when such vessels are hailed, spoken or boarded by a licensed pilot to the southward or eastward of Cape Spear, or to the northward of Sugar Loaf, and five-sixths of the said rates when hailed, spoken or boarded inside of Cape Spear and to the southward of Sugar Loaf, and before entering the Narrows. No steam or sailing vessel returning to the said port, through stress of weather, shall be compelled to take a pilot on her said return to the said port, nor on her second departure therefrom; provided that such steam or sailing vessel shall not have been gone from or remained in such port during the whole space of twenty-four hours. Nor shall any steam or sailing vessel which shall have proceeded from the port of St. John's to any other port in this colony, on the same voyage, be compelled to take a pilot on her said return to the said port of St. John's, nor on her second departure therefrom; provided she shall not have been gone from the said port of St. John's for twenty-four hours. Any pilot exacting a larger sum for his services, or taking a less sum than is allowed by said rates, shall forfeit for such offence the sum of eight dollars, and when he has exacted more, shall refund the excess received by him.

On vessels under eighty tons register measurement, five dollars and thirty-five cents.

On vessels from eighty to one hundred tons, six dollars and seventy cents.

On vessels from one hundred to one hundred and twenty tons, seven dollars and thirty-five cents.

On vessels from one hundred and twenty to one hundred and sixty tons, eight dollars.

On vessels from one hundred and sixty to two hundred tons, eight dollars and seventy cents.

On vessels from two hundred to two hundred and forty tons, nine dollars and thirty-five cents.

On vessels from two hundred and forty to two hundred and eighty tons, ten dollars.

On vessels from two hundred and eighty to three hundred tons, ten dollars and seventy cents.

On vessels from three hundred to three hundred and fifty tons, thirteen dollars and thirty-five cents.

On vessels from three hundred and fifty to four hundred tons, sixteen dollars.

On vessels from four hundred to five hundred tons, eighteen dollars and seventy cents.

On vessels from five hundred to six hundred tons, twenty-one dollars and thirty-five cents.

On vessels from six hundred to seven hundred tons, twenty-four dollars.

On vessels from seven hundred to eight hundred tons, twenty-six dollars and seventy cents.

Over that size, for every one hundred tons additional, one dollar and thirty-five cents; and on no sailing vessel is the pilotage to exceed thirty-two dollars.

Steamers shall pay pilotage on their net tonnage at the same rate per ton as sailing vessels.

Steamers employed in the fisheries of the colony shall be exempt, except on foreign voyages.

Coastal steamers shall also be exempt.

Subsidized mail steamers, in connection with the colony, shall pay on the horse-power at the rate of eight cents for each horse-power.

No steamer shall pay more than forty-eight dollars at one time.

All coasting vessels, which may take pilots, to pay one-half of the above rates of pilotage, in proportion to their tonnage. The above scale of pilotage shall be payable on the register tonnage of all such vessels, as ascertained before going out of the harbor.

Her Majesty's vessels, under sixth rate, fourteen dollars.

Her Majesty's vessels, of the fourth, fifth, and sixth rate, twenty-six dollars.

Her Majesty's vessels, of the first, second, and third rate, thirty-four dollars.

9. Every vessel and steamer obliged to take or pay a pilot shall show either her house-flag, Board of Trade signal, or national flag, before entering the narrows, and in case any vessel or steamer shall enter the narrows without a pilot, and without having shown such house flag, Board of Trade signal, or national flag, such vessel or steamer shall be subject to the usual pilotage rates.

10. No sailing vessel owned or registered in this colony shall be compelled to pay pilotage more than once within a period of thirty days.

11. Every licensed pilot shall carry such a flag and have his boat so marked and rigged as shall be directed by the commissioners, under a penalty of twelve dollars; and every unlicensed pilot carrying such flag and having his boat so marked and rigged, shall be liable to a penalty of twelve dollars.

723 12. No licensed pilot shall be taken to sea against his will under a penalty of two hundred dollars on the master of the vessel, except when through stress of weather the same is unavoidable, in which case he shall be entitled to receive from the master or owner of the vessel payment at the rate of sixteen dollars and eighty cents a month for all the time lost, besides the usual meat, drink, and a passage home from the first port the ship shall enter where the same can be obtained.

13. Any person taking charge of any vessel as pilot, and not being licensed, shall give up the guidance of the said vessel to the first licensed pilot who shall board such vessel to the eastward of Small Point, under a penalty of eight dollars.

14. All ships and vessels shall be obliged to take or pay a pilot, except Her Majesty's ships, vessels belonging to a royal yacht club, coasting vessels, and vessels which have not been boarded, hailed or spoken until after they have entered the Narrows; and no vessel shall be deemed to be a coasting vessel and exempt from the liability of taking a pilot unless such vessel shall have been usually employed as a *bona fide* coaster, or if such vessel shall have on board any part of a cargo imported in such vessel from any port or place out of this colony, or if such vessel shall be going to any place out of this colony or to any outport to load a cargo for any foreign market: Provided that when, in consequence of stormy weather, extreme danger would arise to any boat going outside the Narrows, the commissioners may award pilotage to any pilot who shall in such case have offered his services within the Narrows and have been rejected. For the purposes of this chapter the entrance to the Narrows shall be defined by a line drawn from the Northern Head to the Southern Head at the entrance of this port.

15. Nothing herein contained shall deprive any person who may act as a pilot in the absence of licensed pilots, from receiving payment for his services according to the said table of rates, or to relieve any licensed or other pilot from his responsibility to answer for the amount of any loss sustained through his improper conduct in a civil action at the suit of the party injured.

16. The commissioners may hear and determine all claims for pilotage, salvage of anchors and cables, and remuneration for extraordinary services in which pilots are concerned under the like forms and proceedings used in the Sessions Court of St. John's for the recovery of small debts; and the amount of such commissioners' judgment and the costs incident thereto to be taxed according to the Sessions Court scale, shall be levied on the goods and chattels of the party against whom such judgment is given, or on the vessel (except Her Majesty's ships) on account of which such claim may have arisen.

17. All penalties imposed by the foregoing sections of this chapter, or hereafter to be imposed by any bye-law made by virtue thereof, may be sued for and recovered before a stipendiary Magistrate or any two of Her Majesty's Justices for the district of St. John's, and shall be levied, with costs, by warrant of distress of such stipendiary Magistrate or Justices on the goods of the offender; and for want of goods, such Magistrate or Justices shall order such offender to be imprisoned for a term not exceeding one day for every dollar in the said penalties, or until such penalties shall be paid, and one-third of such penalties shall go to the use of the person suing for the same, and the remainder together with the fees received for certificates, shall form a fund in the hands of the commissioners to defray the salary of the Secretary and other contingent expenses attending the execution of the provisions of this chapter, and the surplus of such fund, if any, shall be appropriated by them for the benefit of infirm and disabled pilots.

18. Whenever the amount of any judgment given by the said commissioners, or of any penalty imposed by the said Justice or Justices, shall exceed twelve dollars, any party feeling himself aggrieved may appeal from the judgment of such commissioners or from the conviction of such Justice or Justices to the Supreme Court upon giving sufficient security to prosecute such appeal within a reasonable time and to abide by and perform such judgment or order as may be made thereon.

19. The Pilots' Fund, so called, now accrued or hereafter accruing, shall be invested or deposited in the names of the commissioners, subject to the approval of the Governor in Council, and no portion of such fund shall be appropriated except by resolution of the Commissioners, approved of by the Governor in Council.

20. The master pilots of the boats for the port of St. John's shall, before the fifteenth day of January in every year, make returns up to the thirty-first day of December of the then past year, to the commissioners of pilots, of all moneys earned during the year by the said several pilot boats under their charge; such returns shall show the amount received from each vessel, together with the vessel's name and tonnage, the date when collected, and the total amount collected for the year, and shall be verified by the affidavit of such Master pilot before a stipendiary Magistrate or a Justice of the Peace, who is hereby authorised to administer such oath.

21. The commissioners of pilots shall, before the thirty-first day of January in each year, make a return to the Governor in Council, for the information of the Legislature, of the amount and conditions of the pilots' fund for the preceding year and of any special matters including the returns of the master pilots, which they may consider necessary, or which the Governor in Council may require.

22. Subject to the approval of the Governor in Council, the commissioners may make regulations for the relief of superannuated or infirmed licensed pilots, out of the pilot fund or otherwise, or of their wives, widows, or children, and may determine what persons from among the licensed pilots, their wives, widows, or children, are and are not respectively entitled to participate in the benefits of existing or future funds, and the terms and conditions upon which, if entitled, they are to be so entitled. No superannuated or infirm licensed pilot, so relieved, shall receive more than two hundred dollars per annum out of the pilot fund.

23. Every bye-law made by Commissioners in the exercise of their powers, if and when confirmed by order of the Governor in Council and published as hereafter mentioned, shall be valid and effectual; and every breach thereof shall be deemed an offence against this chapter.

24. Every bye-law made by the Commissioners and confirmed by the Governor in Council, shall be published in the *Royal Gazette*, and a copy thereof printed in the *Royal Gazette* shall be *prima facie* evidence of the original and of the contents thereof and of its having been confirmed by order of the Governor in Council.

No. 134.—1892, Newfoundland Statute: Consolidated Statutes (Second Series) 1892, Cap. 120.^a

Of harbour master and harbour regulations for the port of St. John's.

Section.

1. Governor in Council may appoint a Harbour Master.
2. Harbour dues; Proviso: dues not payable oftener than once in every half year.
3. Harbour Master to give directions as to mooring, &c.
4. Removal of vessels.
5. Fairway of Narrows and harbour entrance to be kept clear.
6. Harbour Master may remove vessels.
7. Appliances to be used by vessels discharging.
8. Vessels' spars, rigging of, at wharves.

Section.

9. Vessels not lying at wharves to have person in charge, and light.
10. Vessels in stream to have no line to land.
11. Ballast, &c., not to be thrown overboard from vessels; penalty.
12. Nor into waters of harbour; penalty.
13. General penalty for violation of chapter.
14. Recovery and appropriation of penalties.
15. Exception as to private wharves.

1. The Governor in Council may appoint, as Harbour Master for the port of St. John's, such person as may be appointed Examiner-in-Chief under title 13, chapter 117, of these Consolidated Statutes, entitled "Of Certificates to Masters and Mates."

2. The following amounts, as harbour dues, shall be paid by vessels arriving at the port of St. John's, at the time of their being entered at the Custom House, except ships of war and vessels engaged in the coasting trade and fishing, viz.:

Every vessel of sixty tons and upwards, and not more than one hundred tons, two dollars.

Every vessel of more than one hundred tons, and not more than two hundred tons, three dollars.

Every vessel of more than two hundred tons, and not more than three hundred tons, four dollars.

Every vessel of more than three hundred tons, and not more than four hundred tons, five dollars.

Every vessel of more than four hundred tons, six dollars.

Provided, that no vessel shall be compelled to pay harbour dues more than once in every half-year—viz., once between the first day of January and thirtieth day of June, and once between the thirtieth day of June and the first day of January.

3. In case of any dispute arising relative to the mooring, hauling or removing of vessels in said port, the Harbour Master shall, if called upon, give such directions in respect to the same as the circumstances of the case shall demand; and all persons having the charge or command of such vessels shall comply with the directions of the Harbour Master, under the penalty of twenty dollars for every neglect or refusal so to do.

4. The Harbour Master if called upon, may order the removal of any vessel moored in such a manner or situation as to be unsafe or dangerous to any other vessel.

5. The Harbour Master shall direct that the fairway of the Narrows and entrance of the harbour be kept clear for the safe ingress

* Act now questioned by the United States: see Appendix, pp. 4-5.

and egress of vessels; and also that the approach to the wharves be kept clear for mail steamers when necessary, and that the usual anchoring ground for ships of war be kept clear and unoccupied upon their arrival and during their sojourn in port; and he may, upon complaint, make such order respecting the mooring or removal of vessels as may be necessary to provide for the free navigation of the port.

6. If any vessel shall not be immediately removed by the owner, master, or person in charge, when ordered so to be, the Harbour Master may employ men to remove or assist in removing such vessel as required, or as may be necessary, and the expenses of such removal shall be borne by the vessel or her owners.

7. All vessels loading or discharging coals, ballast, stone, gravel, earth, and similar articles, shall have a sufficient piece of canvas or tarpaulin, or be provided with other sufficient appliances, so placed as to prevent the same from falling into the harbour, under the penalty of twenty dollars for every offence, to be paid by the owner, master, or person in charge of such vessel.

8. Whenever it shall be made to appear to the Harbour Master that a vessel is lying at any wharf with main spanker or jibboom rigged out, so as to be likely to impede free navigation, he may direct the same to be rigged in; and in the event of non-compliance, all accidents to such vessel shall be at the risk of her owner.

9. Any vessel anchored in the said port, and not lying at a wharf, shall have a person on board to take care of her by day and night, and shall have a bright light burning, at least six feet above the upper deck, from sunset to sunrise, unless specially exempted by the Harbour Master.

10. No vessel lying in the stream shall have any tow-line, hawser, or be in any way made fast to or connected with any wharf, or to or with the shore, except for the purposes of hauling in or out.

11. No ballast, stone, gravel, earth, or rubbish of any kind, shall be thrown overboard from any vessel in the harbour of St. John's, or at the entrance thereof, (except in places, if any, set apart for that purpose by the Harbour Master), under a penalty not exceeding fifty dollars for every offence, to be paid by the owner, master or other person having charge of the said vessel.

725 12. No person shall throw any ballast, stone, gravel, earth or rubbish of any kind, into the waters of the said harbour, nor at the entrance thereof, nor deposit the same on the beach thereof below highwater mark, under a penalty not exceeding fifty dollars for every offence, and in default of payment, imprisonment for a period not exceeding sixty days.

13. Any person violating any of the provisions of this chapter, or disobeying the lawful commands or directions of the Harbour Master made under this chapter, for which violation no penalty is herein-before prescribed, shall be subject to a penalty of twenty dollars.

14. All penalties under this chapter, provided for the violation of any of the harbour regulations, or disobedience to the lawful commands or directions of the Harbour Master, shall be recovered, with costs, in a summary manner before a stipendiary magistrate, and shall be appropriated one half to the person giving information of the offence, and one half to the Receiver General for the use of the colony.

15. Nothing in this chapter shall apply to vessels lying alongside private wharves, except sections 7, 8, 11 and 12.

No. 135.—1892, *Newfoundland Statute: Consolidated Statutes (Second Series) 1892, Cap. 124.^a*

Of the coast fisheries.

Section.

1. Herring not to be caught in seines between 20th October and 18th April; Seine, how used. Proviso.
2. Persons carrying bulk deemed to have caught herring contrary to law.
3. Power of Justices and others to board vessels.
4. Time for use of and size of net.
5. Herring may be taken at any time by Banking vessels for bait.
6. Penalty for disposing of herring except in prosecution of Bank fishery.
7. Meaning of Bank fishery.
8. Injuries to nets and seines.
9. Bait fishes not to be hauled for exportation between 10th May and 20th October in certain places.
10. No salmon shall be taken at certain times.
11. Salmon unlawfully taken forfeited.
12. No squids shall be taken in seines, &c.
13. Close time for bait fishes.

Section.

14. Manufacture of bait fishes into manure prohibited.
15. Throwing over offal, &c., on fishing grounds prohibited.
16. Cod-trap mesh regulated to four inches.
17. Regulations as to setting mooring cod-traps, &c.
18. Regulations as to cod-nets, &c.
19. Further regulations as to cod-traps and cod-nets, &c.
20. Distance between salmon nets.
21. Recovery of forfeitures and penalties.
22. Governor in Council shall appoint superintendent of fisheries.
23. Use of cod-traps prohibited after 9th May, 1888.
24. Penalty for violation of section 23.
25. Penalties in certain cases.
26. No conviction quashed for informality.
27. Appeal in certain cases.
28. Treaty rights of foreign nations reserved.

1. No person shall haul, catch or take herrings by or in a seine or other such contrivance, on or near any part of the coast of this colony or its dependencies, or in any of the bays, harbours, or other places therein, at any time between the twentieth day of October in any year, and the eighteenth day of April in the following year, or at any time use a seine or other contrivance for the catching or taking of herring, except by way of shooting and forthwith hauling the same, under a penalty not exceeding two hundred dollars: Provided that nothing herein contained shall prevent the taking of herrings by nets set in the usual and customary manner, and not used for barring or enclosing herrings in a cove, inlet or other place. This section shall not apply to the coast of Labrador.

2. The owners, masters, and other persons managing or controlling vessels conveying herrings in bulk, between the twentieth day of October in any year, and the eighteenth day of April in the following year, shall be deemed to have hauled, caught or taken such herrings contrary to the provisions of the preceding section of this chapter, unless such owner, master or other person aforesaid shall make proof to the contrary.

3. Any Justice of the Peace, Sub-collector of the Customs, Preventive Officer, Fishery Warden or Constable, may board any vessel

^a Act now questioned by the United States: see Appendix, pp. 4-5.

suspected of carrying herrings which have been taken contrary to the provisions of section one of this chapter; and in case any such Justice Sub-collector, Preventive Officer, Fishery Warden or Constable shall make signal to any vessel suspected as aforesaid, from any vessel employed by the Government, by dipping the Ensign at the main peak three times and firing a gun, it shall be the duty of the owner, master, or person managing or controlling such vessel so signalled, to heave-to such vessel until such Justice, Sub-collector, Preventive Officer, Fishery Warden or Constable shall have boarded and examined such last-named vessel; and in case of such master, owner, or person managing or controlling as aforesaid, such last-named vessel omitting so to heave her to, or to afford facilities for such Justice, Sub-collector, Preventive Officer, Fishery Warden or Constable to board and examine such vessel, or obstructing such Justice, Sub-collector, Preventive Officer, Fishery Warden or Constable boarding or examining any such vessel, he shall be subject to a penalty of five hundred dollars, to be recovered with costs in a summary manner before a Justice of the Peace, and in case default shall be made in the payment of such penalty, such Justice shall issue his warrant and cause such offender to be imprisoned for a period not exceeding thirty days.

4. No person shall, at any time between the twentieth day of December in any year and the first day of April in the following year, use any net to haul, catch or take herrings on or near the coasts of this Colony or its dependencies, or in any bays, harbors or 726 other places therein, having the mokes, meshes or scales of such net less than two inches and three-eighths of an inch at least, or having any false or double bottom of any description; nor shall any person put any net, though of legal size mesh, upon or behind any other net not of such size mesh, for the purpose of catching or taking such herring, or herring fry passing a single net of legal size mesh, under a penalty not exceeding two hundred dollars.

5. Notwithstanding any of the provisions of this chapter it shall be lawful for the owner of any vessel owned and registered in this Colony, which shall be fully fitted out, supplied and ready to prosecute the Bank fishery, and shall have obtained a Customs' clearance for the said fishery, to haul, catch and take herring at any time and by any means, except by inbarring or enclosing such herring in a cove, inlet or other place, to an extent not exceeding sixty barrels for any one voyage, to be used as bait in prosecuting the said Bank fishery in the said vessel.

6. The owner or master of any vessel who shall avail of the preceding section of this chapter, and having procured herring for bait as therein provided, after clearing for the Bank fishery, shall enter any port before the nineteenth day of April thence next following, except compelled by stress of weather, accident or in case of sickness, or who shall dispose of the herring so taken for bait in any way except for prosecuting the Bank fishery in said vessel, shall be subject to a fine not exceeding two hundred dollars.

7. The term "Bank fishery" in this chapter shall be construed to mean a fishery prosecuted at a distance of at least forty miles from the coast of this Colony.

8. No person shall wilfully remove, destroy or injure any lawful net or seine, the property of another, set or floating on or near the

coast of this Colony or its dependencies, or any of the bays, harbors or other places therein, or remove, let loose, or take any fish from such seine or net.

9. No person shall, between the tenth day of May and the twentieth day of October in any year, haul, catch or take herrings or other bait for exportation within one mile measured by the shore or across the water of any settlement situate between Cape Chapeau Rouge and Point Enragee, near Cape Ray, under a penalty of two hundred dollars; and any such person so hauling, catching or taking within the said limits may be examined on oath by a Justice, Officer of Customs, or person commissioned for the purpose, as to whether the herrings or other bait are intended for exportation or otherwise, and, on refusal to answer, or answering untruly, such person shall, on conviction, be subject to a penalty not exceeding two hundred dollars.

10. No salmon shall be taken before the first day of May or after the tenth day of September in any year: Provided that if the time limited in this section shall be found to operate injuriously in any part of this Colony, the Governor in Council may appoint any other time or times, and such time or times shall be as binding upon all persons as if specially mentioned herein.

11. No person shall buy or sell, or have in his possession, salmon, knowing the same to have been taken contrary to the provisions of this chapter; and every salmon so taken, bought or sold, shall be declared forfeited to the complainant by any Justice.

12. No person shall, at any time, haul, catch or take squids, within, or by means of any seine, bunt, or other such contrivances.

13. No person shall, between the hours of twelve o'clock on Saturday night and twelve o'clock on Sunday night, take or catch, in any manner whatever, or by any contrivance whatsoever, any herring, caplin, squid, or any other bait fish, or set or put out any contrivance whatsoever, for the purpose of taking or catching herring, caplin, squid or other bait fish.

14. It shall not be lawful for any person to manufacture into manure or into any article to be used as manure, either by machinery or by artificial chemical process, or by the use of both, any caplin, herring, squid, or other fish used as bait in the prosecution of the fisheries of this Colony and its dependencies. Every person who shall violate the provisions of this section shall be subject to a penalty of five hundred dollars for each offence.

15. It shall not be lawful for any person to throw overboard or deposit upon the fishing grounds or ledges, on or near the coasts of this Colony and its dependencies, any heads, entrails, bones or offal of the cod-fish. Every person who shall violate the provisions of this section shall be subject to a penalty not exceeding two hundred dollars, or, in default of payment thereof, to imprisonment not exceeding sixty days for each offence.

16. No person shall, upon the coasts of this Colony or its dependencies, use, for the purpose of taking cod-fish, any trap, the walls or sides of which consisted at its original construction of meshes less than four inches, and no netting for alterations or repairs of cod-traps shall be less than four inches.

17. No cod-trap shall be set on any of the fishing grounds of this Colony or its dependencies at a less distance than eighty fathoms from the nearest point of any cod-trap previously set, nor at a less

distance than fifty fathoms from any cod-net previously set: Provided that, if a cod-trap be set out on any of the fishing-grounds aforesaid, and subsequently a second trap be set at a greater distance than eighty fathoms therefrom, it shall be lawful for the owner of the third trap to set the same at a distance of at least eighty fathoms of the first trap set out.

18. No cod-net shall be set on any of the fishing grounds of this Colony or its dependencies at a less distance than fifty fathoms from the nearest point of any cod-trap or cod-net previously set.

19. When any person shall have set a cod-trap, cod-net, or bultow, and the same shall become damaged to an extent rendering it necessary that it be taken up for the purpose of repairs, he shall have the right to re-set his cod-trap, cod-net, or bultow in the place from whence it has been taken up for a period of one week from the time when it was so taken up.

20. No net shall be moored or set in any harbor, cove, creek or estuary, or on or near any part of the coast of this Colony or its dependencies, for the purpose of taking salmon, nearer to any other net moored or set for a like purpose than one hundred yards for a single net and three hundred yards for a double net or fleet of nets.

21. All forfeitures and penalties imposed by this chapter

727 shall be recovered with costs in a summary manner before any Justice, for which purpose such Justice may summon or arrest the offender, and compel witnesses, by summons or warrant, to appear before him; and, upon conviction of the offender, such Justice shall (except under sections fourteen, fifteen and sixteen) cause all seines, nets and other contrivances illegally used to be sold by public auction; and, in default of the payment of any penalty imposed and costs, such Justice shall issue his warrant and cause such offender to be arrested and imprisoned for any period not exceeding twenty days.

22. The Governor in Council may appoint the Collector of Revenue for Labrador, or other person, to be Superintendent of the Fisheries on the coast of this Colony and its dependencies, and may also appoint Fishery Wardens, and prescribe their duties for the purposes of this chapter. The compensation for the services of such officers to be provided by the Legislature.

23. After two years from the ninth day of May, 1888, it shall be unlawful for any person to use any cod-trap for the purpose of catching or taking any cod-fish on the coast of this colony or its dependencies.

24. Any person who shall violate the provisions of the next preceding section of this chapter shall be subject to a penalty not exceeding four hundred dollars, to be recovered in a summary manner before a stipendiary Magistrate or Justice of the Peace, and, in default of payment of such penalty, such offender shall be subject to imprisonment for a term not exceeding six months.

25. Any person who shall violate any of the provisions of this chapter, for the violation of which no penalty is named, shall be subject to a penalty not exceeding fifty dollars; and all nets and other contrivances used contrary to the provisions of this chapter (except those referred to in sections sixteen, seventeen and eighteen) shall be forfeited, and may be seized by any Justice, Sub-collector of Customs, Preventive Office, Fishery Warden or Constable, on view or by virtue of a warrant issued by such Justice upon com-

plaint made on oath, and the same may be detained until the trial of the offender, and, upon conviction, the same may be declared forfeited and ordered to be sold by public auction.

26. No proceeding or conviction by any Justice of the Peace or other officer under this chapter shall be quashed or set aside for any informality, if the same be substantially in accordance with the intent and meaning of this chapter.

27. If any person shall feel himself aggrieved by any order or judgment of a Justice under the first, third, fourth, ninth, fourteenth and twenty-fourth sections of this chapter, he shall have liberty to appeal to the Supreme Court in St. John's or on circuit, upon giving sufficient security for the due performance of such order or judgment, if confirmed, and for the payment of all costs, and to prosecute the said appeal.

28. Nothing in this chapter shall affect the rights and privileges granted by Treaty to the subjects of any state or power in amity with Her Majesty.

No. 136.—1892, *Statute of Newfoundland: Consolidated Statutes (Second Series) 1892, Cap. 129.^a*

^aAct now questioned by the United States: see Appendix pp. 4-5.

Of the exportation, sale, &c., of bait fishes.

Section.

1. No person shall export, or haul, catch, take, purchase, or have in his possession, any bait fishes for the purpose of exportation.
2. Licenses may be granted for certain purposes.
3. Licenses issued under certain authority.
4. Power of Governor in Council to suspend or limit operation of chapter.
5. Conditions under which licenses granted.
6. To whom applications for licenses shall be made.
7. Licensee shall give bond to Receiver General.
8. Form of license, bond, &c.
9. Penal clause.
10. Power of convicting magistrate to confiscate, &c.
11. Penalty for violation of chapter.

Section.

12. *Onus probandi* upon accused party.
13. Power to appoint commissioners conferred upon Governor in Council.
14. Power to board and search ships or vessels conferred upon certain persons.
15. Certain persons may be examined on oath by a J. P. and other officials of the Government.
16. Additional powers given to officials.
17. What shall be evidence.
18. Offences may be prosecuted summarily.
19. Appeal.
20. Proceedings not to be set aside for want of form.
21. Interpretation clause.
22. Treaty rights preserved.
23. Power of stipendiary Magistrates and officers.

1. No person shall—

- (1) Export, or cause or procure to be exported, or assist in the exportation of; or
- (2) Haul, catch, take, or have in his possession, for the purpose of exportation; or
- (3) Purchase or receive in trade or barter, for the purpose of exportation; or
- (4) Take, ship, or put, or haul on board, or assist in taking, shipping, putting, or hauling on board of any ship or vessel for any purpose whatever; or
- (5) Carry or convey on board of any ship or vessel for any purpose whatever,

any herring, caplin, squid, or other bait fishes, *from, on, or near* any parts of this colony or its dependencies, or from or in any of the bays, harbors, or other places therein, without a license in writing to be granted and issued as hereinafter provided.

2. Licenses may be granted for any of the following purposes, viz.:—

- (a.) To export bait fishes to a foreign country for bait purposes.
- (b.) To export bait fishes to a foreign country for food or consumption.

728 (c.) To export bait fishes for use for bait purposes in prosecuting deep sea fisheries.

- (d.) To haul, catch, or take bait fishes for exportation.
- (e.) To purchase bait fishes for exportation for food or consumption.

(f.) To take, ship, or put on board a ship or vessel, or to carry or convey on board a ship or vessel, bait fishes for exportation for food or consumption.

(g.) To purchase bait fishes for exportation for bait purposes.

(h.) To take, ship, or put on board a ship or vessel, or to carry or convey on board a ship or vessel, bait fishes for exportation for bait purposes.

(i.) To take, ship, or put on board a ship or vessel, or to carry or convey on board a ship or vessel, coastwise, to be discharged or landed or transhipped to some other ship or vessel within some port in this Colony.

3. No such licenses shall be issued except under the authority of the Governor in Council, and countersigned by the Colonial Secretary.

4. The Governor in Council may, from time to time, by proclamation, suspend or limit the operation of this chapter, and the issue of licenses thereunder, in relation to any district or part of this colony, or the coasts thereof, and for such period and in relation to sale or exportation to such places or for such purposes and in such quantities as shall appear expedient, and as shall be declared and defined in the proclamation.

5. No license under this chapter shall be granted to any person unless he shall have first made an affidavit before a Sub-collector or Preventive Officer of Customs, or a stipendiary Magistrate, setting forth the following particulars, viz.: the name of the person to whom the license is to be granted; the name of the vessel on board of which it is intended to convey or export bait fishes; the purpose for which such bait fishes are intended to be conveyed or exported, whether for food or consumption, or for bait purposes; the country to which it is intended to export the same, or the place where the fishery is to be prosecuted for which such bait fishes are to be used.

6. Applications for licenses under this chapter shall be made to a stipendiary Magistrate or a Customs' Officer, who shall require the applicant in each case to make before him an affidavit stating the facts and particulars, as required under section five to be set forth in the license; and it shall be the duty of the said stipendiary Magistrate or Customs' Officer to report to the Governor in Council any refusal on the part of the applicant to make such affidavit, or any *bonâ fide* doubt on the part of such stipendiary Magistrate or Cus-

toms' officer of the truth of any of the statements set forth in such affidavit, or of a belief on his part that such license is applied for for the purpose of evading or defeating, or assisting in evading or defeating, the provisions of this chapter. In such case it shall be the duty of such stipendiary Magistrate or other officer to withhold such license and await further instructions.

7. In every case in which a license is granted under this chapter, the person to whom the same is granted shall also give bond to the Receiver General of this colony, with two sufficient securities in the sum of not less than one thousand dollars or more than two thousand dollars each, containing the condition that the terms of the license shall in all respects be complied with; and in the case of a license to export to a foreign country, that satisfactory proof of the landing of the cargo in such foreign country will be furnished within a stated period, and the forfeiture of the penal sum under such bond shall be in addition to any other penalty, forfeiture or punishment which may be imposed for the same offence under this chapter.

8. The forms of the licenses, affidavits and bonds, above provided, shall be prescribed by the Governor in Council.

9. Any person who shall violate any of the provisions of section one of this chapter, or any of the sub-sections thereof; or

- (1.) Use, dispose of, or deal with any bait fishes otherwise than in accordance with the terms of the affidavit made upon application for a license, or with the terms of such license; or,
- (2.) Make any untrue statement in any affidavit upon application for a license under this chapter; or,
- (3.) Obtain a license under this chapter by means of any false statement or misrepresentation, or by the suppression or concealment of any material fact,

shall be liable for every first offence to a penalty not exceeding one thousand dollars or imprisonment for a period not exceeding twelve months.

Any person convicted of a second or subsequent offence under this chapter shall, on conviction, be subject to imprisonment with hard labour for a period of not less than twelve months.

10. In addition to the punishment prescribed by the foregoing section, the convicting Magistrate may order the confiscation and sale of the herring, caplin, squid or other bait fishes which have been sold, purchased, hauled, taken, conveyed or exported in violation of the provisions of this chapter, or the terms of any license thereunder, or of the boat or vessel on board of which such bait fishes shall be found to have been unlawfully shipped, conveyed or exported, and the forfeiture of any licence held by the offender.

11. Any person who shall sell any herring, caplin, squid or other bait fishes for the purposes of shipping or putting on board of any ship or vessel, or for the purpose of exportation to any person not holding or producing a license under this chapter, shall be liable to a fine not exceeding five hundred dollars, or to imprisonment not exceeding three months.

12. In any prosecution under the next preceding section, the onus of proof that the bait fishes were not intended for shipment or for exportation shall rest upon the party accused: Provided there be

proof of a sale under such circumstances as shall be consistent with a reasonable presumption that shipment or exportation was intended.

729 13. The Governor in Council may, from time to time, appoint special commissioners for the purpose of enforcing the provisions of this chapter.

14. Any such Commissioner, or any Justice of the Peace, Sub-collector, Preventive Officer, fishery warden or constable may board and examine and search any boat or vessel suspected of having on board, or of conveying or exporting bait fishes contrary to the provisions of this chapter, or of any license granted thereunder; and in case any such commissioner, Justice of the Peace, Sub-collector, Preventive Officer, fishery warden, constable, or the crew of any vessel employed by the government, shall make a signal by hoisting the International signal B.M.I., meaning "Heave to, I will send a boat," and firing a gun, or by dipping at the main peak three times the flag with the badge of the colony, as prescribed by the Colonial regulations, it shall be the duty of the owner, master or person managing or controlling such vessel to heave to until such commissioner, Justice, Sub-collector, fishery warden or constable shall have boarded and examined such last-named vessel; and in case of such owner, master or person managing or controlling such last-named vessel omitting to heave her to, or obstructing or omitting to afford facilities for such commissioner, Justice, Sub-collector, Preventive Officer, fishery warden or constable in boarding and examining such vessel, he shall be subject to a penalty not exceeding five hundred dollars or to imprisonment for a term not exceeding three months. The master of any vessel who shall refuse or unreasonably delay in obeying such signal may be arrested and brought before a stipendiary magistrate, and his vessel may be seized and held by any such commissioner, Justice, Sub-collector, Preventive Officer, fishery warden or constable until an adjudication shall have taken place, upon a complaint under this section.

15. Any person found hauling, catching, taking, purchasing, selling, shipping or conveying any bait fishes, or any person having any such fishes in his possession, or the master, owner or crew of any boat or vessel on board of which any bait fishes may be found, may be examined on oath by a Justice of the Peace, Sub-collector, Preventive Officer, fishery warden or commissioner, appointed under this chapter, as to the quantity and kind of bait fishes in his possession or on board of such boat or vessel, the purpose for which such bait fishes are intended to be used or as to the place to which such bait fishes are intended to be conveyed or exported, and upon his refusing to answer, or answering untruly, or failing to produce a license under this chapter, or having such license, being found to have violated or failed to comply with the provisions thereof, such Justice, Sub-collector, Preventive Officer, fishery warden or commissioner may seize the boat or vessel on board of which such bait fishes shall have been hauled or caught, or put, kept, shipped, carried, conveyed or exported, or on board of which the same may have been found, her tackle, apparel, furniture and outfit, and the said bait fishes so found as aforesaid, and may hold the same until an adjudication shall have been had, upon a complaint in relation to such alleged offence.

16. In any such case as mentioned in the next preceding section, any officer therein authorized to seize any boat or vessel, and any

constable or peace officer then present, shall have power, by direction of any such officer authorized as aforesaid, and without any warrant or complaint upon oath, to arrest any person found committing or omitting to do any of the acts for or on account of which such boat or vessel may be seized, and to detain him in custody until an adjudication shall have taken place as before provided.

17. In any prosecution under this chapter the fact of shipping, putting or having bait fishes on board of any boat or vessel, shall be *prima facie* evidence of the same having been so shipped, put, had or conveyed for the purpose of exportation, and the refusal or failure to produce a license upon being called upon so to do, shall be *prima facie* evidence of such bait fishes having been shipped, put, conveyed or exported without a license; and any exportation, or intended exportation of bait fishes shall in the absence of proof to the contrary, be held to be an exportation or intention to export for bait purposes.

18. All offenders against the provisions of this chapter may be prosecuted and convicted, and all fines, forfeitures, penalties, orders for confiscation, and other punishments imposed, recovered and made in a summary manner before a stipendiary Magistrate. In the event of the prosecution of an offender who would not be liable to or ordered to pay a fine, then the reasonable expenses of the prosecutor, including a fair amount for his time and labour expended in and about such prosecution shall, on the certificate of the Magistrate who heard the case, be paid to the prosecutor by the Receiver General.

19. If any person convicted under this chapter shall feel himself aggrieved by such conviction, he may appeal therefrom to the then next sitting of Her Majesty's Supreme Court holden in or nearest to the place where such conviction shall have been had: Provided notice of such appeal and of the cause and matter thereof be given to the convicting Magistrate in writing, within seven days next after such conviction, and the party desiring to appeal shall also, within fourteen days after such notice, give and enter into recognizance, with two approved sureties, before the convicting Magistrate, conditioned for the appearance of the person convicted at such next sitting of the Supreme Court on the first day of such sitting, for the prosecution of the appeal with effect and without delay, to abide the judgment of the Court thereon and for the delivery and surrender of any vessel or other property ordered to be confiscated, and to pay such costs as the Court shall award. Any person who shall be convicted and imprisoned by any such Magistrate for an offence against this chapter, and who shall have given such notice of appeal, and shall have entered into such recognizance with approved sureties may be discharged from prison, in which case the recognizance shall be further conditioned for the surrender of the convicted party, on the first day of such next sitting of the Supreme Court, to the sheriff of the district in which such appeal may be heard.

20. No proceeding or conviction by, or order of any Justice or other officer under this chapter, shall be quashed or set aside for any informality, provided the same shall be substantially in accordance with the intent and meaning of this chapter.

21. In this chapter the word "vessel" shall include any boat or ship registered or not registered, jack, skiff, punt or launch, whether propelled by sails, oars or steam.

730 22. Nothing in this chapter shall affect the rights and privileges granted by treaty to the subjects of any state in amity with Her Majesty.

23. For the purposes of this chapter all stipendiary Magistrates shall be deemed to be stipendiary Magistrates for the colony, and may exercise the jurisdiction given by this chapter in any part of the colony. All officers engaged in carrying out this chapter, and the masters and crews of all vessels engaged in the said service, may severally be sworn as special constables, and shall, while engaged in carrying out this chapter, have all the powers, authority and protection of police constables.

No. 137.—1893, May 24: Newfoundland Statute, 56 Vict., Cap. 6.

An Act respecting foreign fishing vessels.

[Passed 24th May, 1893.]

Section.

- 1.—Governor in Council may issue licenses to foreign vessels for certain purposes.
- 2.—Powers of Justices of the Peace and others.
- 3.—Officers may seize and examine vessels and cargo in certain cases.
- 4.—Seizure of vessel and penalty for obstructing officer.

Section.

- 5.—Evidence of breach of this Act.
- 6.—Mode of prosecution.
- 7.—Respecting appeal.
- 8.—No proceeding to be quashed for want of form.
- 9.—Exception in favor of rights by treaty.
- 10.—Respecting entry and applications for licences.
- 11.—Interpretation.

Be it enacted by the Governor, the Legislative Council and House of Assembly in Legislative Session convened, as follows:—

1.—The Governor in Council may authorize the issue of licenses to foreign fishing vessels, enabling them to enter any port on the coasts of this Island for the following purposes:—The purchase of bait, ice, seines, lines and all other supplies and outfits for the fishery, and for the shipping of crews.

2.—Any Justice of the Peace, Sub-Collector, Preventive Officer, Fishery Warden or Constable, may go on board any foreign fishing vessel within any port on the coast of this Island, or hovering in British waters within three marine miles of any of the coasts, bays, creeks or harbors in this Island, and may stay on board such vessel so long as she remains within such port or distance.

3.—Any one of the Officers or persons hereinbefore mentioned may bring any foreign fishing vessel, being within any port on the coasts of this Island, or hovering in British waters within three marine miles of any of the coasts, bays, creeks or harbors of this Island, into port, may search her cargo and may examine the master upon oath touching the cargo and voyage; and the master or person in command shall answer truly such questions as shall be put to him, under a penalty not exceeding five hundred dollars. And if such foreign fishing vessel has on board any herring, caplin, squid, or other bait fishes, ice, lines, seines, or other outfits or supplies for the fishery, purchased within any port on the coasts of this Island, or within the distance of three marine miles from any of the coasts, bays, creeks or

harbors of this Island, or if the master of the said vessel shall have engaged or attempted to engage any person to form part of the crew of the said vessel in any port, or on any part of the coasts of this Island, without a license therefor in writing first granted to any such vessel under the provisions of this Act, or has entered such waters for any purpose not permitted by treaty, convention or act of the Legislature, for the time being in force, such vessel and the tackle, rigging, apparel, furniture, stores and cargo thereof shall be forfeited.

4.—All goods and vessels and the tackle, rigging, apparel, furniture, stores and cargo thereof, liable to forfeiture under this Act, may be seized and secured by any officer or person mentioned in the second section of this Act, and every person opposing any officer or person in the execution of his duty under this Act, or aiding or abetting any other person in such opposition, shall be deemed guilty of a misdemeanor and liable to a fine of five hundred dollars.

5.—In any prosecution under this Act, the presence on board of any foreign fishing vessel, in any port of this Island, or within British waters aforesaid, of any caplin, squid, or other bait fishes, of ice, lines, seines or other outfits or supplies for the fishery, shall be *prima facie* evidence of the purchase of the said bait fishes and outfits within such port or waters, and the refusal or failure to produce a license upon being called upon so to do, shall be *prima facie* evidence of the purchase of bait, ice, lines, seines or other supplies or outfits for the fishery without a license.

6.—All offenders against the provisions of this Act may be prosecuted and convicted, and all fines, forfeitures, penalties and other punishments imposed, recovered, and made, in a summary manner, before a Stipendiary Magistrate. For the purposes of this Act all Stipendiary Magistrates shall be deemed to be Stipendiary Magistrates for the Colony, and may exercise the jurisdiction given by this Act in any part of the Colony.

7.—If any person convicted under this Act shall feel himself aggrieved by such conviction, he may appeal therefrom to the then next sitting of Her Majesty's Supreme Court, holden in or nearest the place where such conviction shall have been had, or in St. John's: Provided notice of such appeal and of the cause and matter thereof be given to the convicting Magistrate in writing, within seven days next after such conviction, and the party desiring to appeal shall also, within fourteen days after such notice, give and enter into recognizance with two approved sureties before the convicting Magistrates conditioned for the appearance of the person convicted at

such next sitting of the Supreme Court, on the first day of such 731 sitting, for the prosecution of the appeal with effect and without delay, to abide the judgment of the Court thereon, and for the delivery and surrender of any vessel or other property ordered to be confiscated, and to pay such costs as the Court may award.

8. No proceeding or conviction by, nor order of, any Magistrate or other officer under this Act, shall be quashed or set aside for any informality, provided the same shall be substantially in accordance with the intent and meaning of this Act.

9. Nothing in this Act shall affect the rights and privileges granted by treaty to the subjects of any state in amity with Her Majesty.

10. Any foreign fishing vessel may enter any port of entry of this island for the purpose of applying for a license under the provisions

of this Act. Applications for licenses under this Act shall be made to a Customs' Officer at a port of entry in this Colony, who is hereby authorized to issue the same. The fee for such license shall be one dollar and fifty cents per registered ton, to be paid to the Customs' officer issuing said license. The form of such licenses and the terms and conditions under which the same shall be granted, shall be determined by the Governor in Council.

11. In this Act the word "vessel" shall include any boat or ship registered or not registered, jack, skiff, punt or launch, whether propelled by sails, oars or steam.

No. 138.—1898, March 3: Newfoundland Statute, 61 Vict., Cap. 3.^a

An Act respecting the Department of Marine and Fisheries.

[Passed 3rd March, 1898.]

Section.

1. Department constituted.
2. Appointment of officers.
3. Matters under the control of the department.
4. Powers of department.
5. Minister to report.
6. Fisheries Board.
7. Constitution of Board.
8. Powers, duties and functions of Board.
9. Governor in Council may make rules.
10. Saving of rights of friendly States.
11. Penal clause; Complainant may distrain; Confiscation of implements, &c.; Penalties divided; Application of Her Majesty's moiety.

Section.

12. Recovery of penalties; Limitation of action; Joint and several liability; defects in form of conviction, &c., not fatal.
13. Leasing, &c., of waters for propagation of fish; Penalty: Exception; Renewal of leases, &c., of fisheries; Shell fisheries subject to this Act.
14. Assignment of new duties to department.
15. Exemption of Minister from disability.
16. Amendment.
17. Suspension of date of enforcement; Exception.
18. Repeal.

Be it enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:—

1. There shall be a department which shall be called "The Department of Marine and Fisheries," over which the Minister of Marine and Fisheries appointed by the Governor in Council, by Commission under the Great Seal, shall preside; and the Minister shall have the management and direction of the said department, and shall hold office during pleasure.

2. The Governor in Council may appoint an officer who shall be called "The Superintendent of Fisheries," and who shall be deputy head of the department of Marine and Fisheries; and the Governor in Council may also appoint such other officers as are necessary for the proper conduct of the business of the said department, all of whom shall hold office during pleasure.

3. The duties, powers, and functions of the department of Marine and Fisheries shall extend and apply to the following subjects and boards, and other public bodies, officers and other persons, and services and properties of the Crown, of which the said department shall have the control, regulation, management and supervision, that is to say:—
(1.) Pilots and pilotage and decayed pilot funds.

^aAct now questioned by the United States: see Appendix, pp. 4-5.

- (2.) Beacons, buoys, lights and light-houses, and their maintenance.
- (3.) Signals and signal-stations, steamers and vessels belonging to the Government of the Colony.
- (4.) Harbors, ports and harbor-masters; piers, wharves, and St. John's Dry Dock.
- (5.) Classification of vessels, and examination and granting certificates of masters and mates and others in the merchant service.
- (6.) Shipping masters and shipping officers; care of distressed seamen.
- (7.) Ship-building and inspection of steamers and vessels.
- (8.) Wreck commissioners, and enquiries into causes of shipwrecks, and generally such matters as refer to the marine and navigation of the Colony and its dependencies.

4. The Department of Marine and Fisheries shall administer all laws relating to the subject of sea, coast, and inland fisheries, and the management, regulation and protection thereof, and all matters and things relating thereto, or assigned by the Governor in Council to the said department.

732 5. The Minister shall make and submit to the Governor annual report on all the branches of the department under his control, to be laid before both Houses of the Legislature within fifteen days from the commencement of each Session, showing the state of each branch and the amount received and expended in respect thereof, with such further information as is requisite.

6. The Governor in Council may appoint a Board to be called "The Fisheries Board," of which the Minister of Marine and Fisheries shall be president.

7. The Fisheries Board shall consist of seven members, of whom the President, or in his absence, the Deputy Head of the Department and three members, shall constitute a quorum.

8. The powers, duties, and functions of the said Board shall be, to make enquiries and researches upon and in relation to all matters pertaining to the preservation, maintenance, improvement and development of the fisheries, and the trade, commerce and interests of the Colony, so far as the same are connected with or relate to the fisheries and fishery questions; to devise, organize and maintain such methods of collecting, preserving and diffusing such knowledge and information as they may consider best adapted to the attainment of such subjects.

9. The Governor in Council may, from time to time, make regulations for the better management and regulation of the sea, coast, and inland fisheries, to prevent or remedy the obstruction and pollution of streams, to regulate and prevent fishing, to prohibit the destruction of fish, and to forbid fishing except under authority of leases or licenses; which regulations shall have the same force and effect as if herein enacted, and may fix such modes, times or places as are deemed by the Governor in Council adapted to different localities, or otherwise expedient.

- (2.) Such regulations shall take effect from the date therein prescribed and after publication thereof in the *Royal Gazette*.
- (3.) Every offence against any regulation made under this Act may be stated as in violation of this Act.

10. Nothing in this Act, or in any rules and regulations to be made hereunder, shall be construed to affect the rights and privileges granted by treaty to the subjects of any state or power in amity with Her Majesty.

11. Except as herein otherwise provided, every one who violates any provision of this Act, or of the regulations under it, shall be liable to a penalty not exceeding one hundred dollars and costs, and in default of payment, to imprisonment for a term not exceeding two months; and any Justice of the Peace may grant a warrant of distress to the amount of such penalty and costs; but whenever it appears to the satisfaction of the Justice of the Peace that the offence was committed in ignorance of the law, or that because of the poverty of the defendant the penalties imposed would be oppressive, a discretionary power may be exercised.

(2.) If any defendant has goods and chattels whereon the costs may be levied, the complainant may distrain for the amount under warrant by any Justice of the Peace, notwithstanding the imprisonment of the person convicted.

(3.) All materials, implements or appliances used, and all fish caught, taken or killed in violation of this Act or any regulation under it, shall be confiscated to Her Majesty, and may be seized on view, by any fishery officer, or taken and removed by any person for delivery to any Justice of the Peace; and the proceeds arising from the disposal thereof may be applied towards defraying expenses under this Act.

(4.) A moiety of every penalty levied by virtue of this Act shall belong to Her Majesty, and the other moiety shall be paid to the prosecutor, not being a fishery officer, together with costs taxed to him in respect thereof, but if a fishery officer is the informer, the whole shall belong to Her Majesty.

(5.) Her Majesty's share of each penalty and all proceeds derived from the sale of confiscated articles under this Act, shall be paid to the Minister of Finance and Customs through the Department of Marine and Fisheries.

12. Every penalty or forfeiture imposed by this Act, or regulations made under it, may be recovered or enforced on parol complaint, before any stipendiary Magistrate or Justice of the Peace in a summary manner.

(2.) Penalties incurred under this Act, or the regulations made under it, shall be sued for within two years from the commission of the offence.

(3.) When not otherwise specified, every proprietor, owner, agent, tenant, occupier, partner, or person actually in charge, either as occupant or servant, shall be presumed to be jointly and severally liable for any penalties or moneys recoverable under any of the provisions of this Act, or of any regulation made under it.

(4.) No proceeding or conviction under this Act or under any regulation made under it, shall be set aside or quashed for irregularity or defect in form, and no warrant of arrest or commitment shall be held void by reason of any defect therein, if it is therein alleged that the defendant has been convicted, and there is a good and valid conviction to sustain the same.

13. The Governor in Council, upon the recommendation of the Minister of Marine and Fisheries, may authorize to set apart and to be leased, any river or other water for the natural or artificial propagation of fish; and every person who wilfully destroys or injures any place set apart or used for the propagation of fish, or who fishes therein without written permission from a fishery officer, or from the holder thereof under lease or license, or uses therein any fishing-light or other implement for fishing, during the period for which such waters are so set apart, shall be liable to a penalty not exceeding two hundred dollars, and in default of payment, to imprisonment for a term not exceeding four months.

(2.) Nothing in this Act contained shall preclude the granting by the Minister of written permission to obtain fish and fish spawn for purposes of stocking or artificial breeding or for scientific purposes.

733 (3.) Lessees or licensees of fisheries shall have no claim to renewal of leases or licenses if in arrears of rent or per centage during four months after the same is due, and any lessee or licensee convicted of a violation of this Act, or any regulation under it, shall be liable to forfeit his lease or license.

(4.) Shell-fish fisheries shall be subject to the provisions of this Act and any regulation made under it.

14. The Governor in Council may assign any new or other duty or power to the Minister of Marine and Fisheries, and may also assign any of the duties or powers herein before enumerated to the Minister of any other department.

15. Section 2, sub-section 1, and section 3, sub-section 5, of Chapter 4, of the Consolidated Statutes of Newfoundland, (Second Series), entitled "Of Legislative Disabilities and the Vacantion of Seats in the House of Assembly," are hereby amended by the addition thereto after the words "Chairman of the Board of Works," of the words "Minister of Marine and Fisheries."

16. Chapter 122 of the Consolidated Statutes, (Second Series), entitled "of Wreck and Salvage," is hereby amended by substituting the words "The Minister of Marine and Fisheries" for the words "The Receiver General" or "The Board of Revenue" throughout.

(17.) This Act shall come into force on the first day of July, A. D. 1898.

(a.) Save and except the provisions of sections 9, 11, and 12, which shall come into force immediately upon the passing of this Act.

18. The Act 56th Vic., cap. 8, is hereby repealed.

No. 139.—1898, March 30: Extract from Newfoundland Statute, 61 Vict., Cap. 13.^a

An Act respecting the customs.

Section.

1. Short title.
2. Interpretation.
3. Governor in Council may appoint port of entry.
4. Duties to be debts to Her Majesty.
5. Additional duty payable in case of under valuation of goods in bill of entry.
6. Governor in Council may, in case of difference, declare rates of duty.
7. Invoices of goods to be in currency of country of export.
8. Duties proportionate.
9. Allowances for tare and draft.
10. Duty on non-enumerated articles resembling enumerated.
11. Duty on non-enumerated articles resembling more than one enumerated.
12. Duty on articles made of more than one material.
13. Duty on articles enumerated under more than one name.
14. Duty on unenumerated spirits and strong waters.
15. Duty on dorelect, flotsam, &c.
16. Sale for non-payment of duties within twelve months.
17. Samples may be taken.
18. Goods not to be unladen, nor bulk broken, except after due entry, &c.
19. Steamboats cargo may be discharged into a warehouse.
20. Goods imported to be brought only into port of entry.
21. Vessels may be boarded within three miles of anchorage.
22. Report to be made by mast of vessel arriving from sea or coastwise.
23. Production of register and bills of lading.
24. Penalty for breach of provisions of last section.
25. Goods not reported liable to forfeiture.
26. Goods intended for another port or for export.
27. Goods not intended to be landed at first port.
28. Entries to be made within three days of arrival of goods.
29. Person entering goods to deliver invoice.
30. Goods not entered may be taken to warehouse and sold.

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31. Quantity and value to be stated in bill of entry.
32. Duties amounting to less than \$200 to be paid in cash.
33. Interest at six per cent. to be paid on bonds for duties.
34. Entries by bill of sight.
35. Case in which sight entry may be made.
36. Entry not perfect without invoice unless ordered by Governor in Council.
37. Invoice to be attested on oath.
38. In case of goods having more than one owner.
39. Invoice may be required to be attested by owner and consignee, &c.
40. In case of death, &c., of owner, &c., personal representative may make entry, &c.
41. No person except owner, &c., may take oath unless a declaration by owner, &c., is attached to bill of entry.
42. Declaration to be kept by collector.
43. Collector to retain and file invoices.
44. Bonds to be given for goods entered *in transitu*, or for export or transhipment.
45. Goods imported must have a clearance from port of export.
46. Spirits not to be imported in package of less than 30 gallons, except spirits in bottles, &c.
47. Abatement of duties on goods imported damaged.
48. Duties of collector in cases of claim for abatement or refund of duties on account of damage.
49. Evidence of and allowance for damage, &c.
50. Percentage of damage when ascertained to be deducted for duty.
51. Return of duties paid on goods lost before landed.
52. Allowance for damage to certain goods.
53. Governor in Council may appoint appraiser, who shall take oath of office.
54. Where no appraiser for any port of entry, collector to act as appraiser.
55. Value of goods for duty.
56. What shall be deemed the fair market value of goods.

^aAct now questioned by the United States: see Appendix, pp. 4-5.

Section.

57. Special provision as to the value of certain articles.
58. In determining dutiable value of goods, cost of inland transportation to port of shipment to be added.
59. Governor in Council to make regulations for ensuring fair valuation.
60. No refund of duty for alleged inferiority except in certain cases.
61. Valuation to include drawback in another country.
62. No deduction from value by reason of drawback.
63. As to deduction for value of packages.
64. As to deduction for charges for packing, cording, &c.
65. Standards for sugars.
- 734 66. Appraisement may be reviewed.
67. Enquiry into true value of goods appraised in case of dissatisfaction.
68. Penalty for refusing to attend or answer.
69. Penalties for perjury.
70. Importer, &c., dissatisfied, may appeal in certain cases.
71. Fees of appraisers.
72. Penalty for refusing to act as appraiser.
73. Governor in Council may constitute warehousing ports.
74. Goods may be entered for exportation or warehoused for exportation without payment of duty.
75. Mode of warehousing.
76. Warehouse bond.
77. Penalty for unlawful removal from warehouse.
78. Provisions relating to warehoused goods.
79. Collector may permit samples to be taken.
80. Handling of goods for revenue purposes to be done at importer's expense.
81. Penalty for unlawful removal of goods previous to examination.
82. Provisions as to landing of goods.
83. Goods entered to be warehoused shall be further entered for home use or exportation.
84. Transfer of warehoused goods.
85. Warehoused goods to be cleared within two years from date of warehousing, but may be rewarehoused.
86. Warehoused goods not cleared at end of two years may be sold.
87. Goods may be opened, &c., in warehouse by leave of collector.
88. Forfeiture of goods illegally removed.

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89. No compensation for goods accidentally injured in warehouse.
90. Removal of warehoused goods from one port of entry to another, or from one warehouse to another.
91. Account of goods to be transmitted to port of destination from port of removal.
92. Entry for duty of goods removed.
93. Liability for freight of warehoused goods.
94. Remission of duties on wines and spirits for use on Her Majesty's ships.
95. Duty on dried fish to be paid before warehousing.
96. Entry of vessel outwards, &c.
97. Questions to be answered by master.
98. Penalty for leaving without clearance.
99. Dispensation as to coasting vessels.
100. Entries to be made of goods shipped before clearance granted.
101. Export entry.
102. Exportation of goods from warehouse, &c.
103. Release of liability for double duty on goods exported.
104. Governor in Council may require statistical information as to exports.
105. Entry outwards from warehouse of imported goods must correspond with entry inwards.
106. Entry outwards by agent.
107. Penalty for non-entry.
108. Report of vessel arriving coastwise.
109. Entry outward of vessels engaged in fishery and coasting trade.
110. Goods landed at Labrador subject to duties.
111. Entry of goods at Labrador.
112. Entry outwards of vessels at Labrador.
113. Where no office on shore, collector's office to be held to be on vessel.
114. Sale of goods seized at Labrador.
115. Governor in Council may authorize importation into Labrador of spirits.
116. Penalty for aiding landing, &c., of contraband at Labrador.
117. Compelling attendance of witnesses in proceedings for penalty.
118. Vessels found hovering within one league may be boarded and examined and brought into port if she does not depart.
119. Production of manifest by master.

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120. Goods imported elsewhere than at port of entry, or removed before examination, may be forfeited.
121. Vessel may not enter any but a port of entry, &c.
122. Vessel with more than \$800; seizure of goods and vessel.
123. Forfeiture of goods imported on the person, &c.; Entry void unless goods correspond with report.
124. Goods not so corresponding to be forfeited; suspected packages to be opened.
125. Packages of which contents are unknown.
126. Collector may cause packages to be opened.
127. Forfeiture of goods not mentioned in invoice or entry and found in packages.
128. Goods not corresponding with invoice to be forfeited.
129. As to packages delivered to importer before examination.
130. Return of packages delivered before examination and provision for avoiding delay.
131. Collector may require further proof of proper entry.
132. Permit certifying that duties have been paid, to be granted on request of owner, &c.
133. Prohibited goods.
134. Owner, &c., of steamships to provide suitable place for examination of passenger's luggage.
135. Account to be rendered of spirituous or malt liquors made in this Colony, &c.
136. Entry of liquors, and excise duties thereon.
137. Power of revenue in connection with liquors subject to excise duty.
138. Forfeiture of liquors not reported and entered.
139. If excise duty not paid, liquors may be sold.
140. Excisable liquors found elsewhere than in possession of maker, without duties paid, &c., to be forfeited, &c.
141. Receiver General may employ officers for attending manufactures or distilleries.
142. Officers to be sworn.
143. Compensation of officers.
144. Officer absenting himself, &c., shall be dismissed.
145. Receiver General may make regulations respecting attendance of officers, &c.
146. Regulations to be observed by manufacturers and distillers.
147. Certain officers to be deemed employed for the prevention of smuggling.

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148. Powers and duty of such officers.
149. Power to search the person for smuggled goods, &c.
150. Postmaster General may detain post letter, &c., suspected to contain contraband and forward it to collector, &c.
151. Power to enter buildings, &c., in day time, &c.
152. Officers to board vessels and have free access to every part, &c.
153. Master or person in charge of vessel to provide board, &c., for Customs' officer.
154. Writ of assistance, &c.
155. Existing writs to remain in force.
156. Searching for smuggled goods.
157. Power to call for aid, &c.
158. No action to be brought while other proceeding under this Act pending, &c.
159. Tender of amends, &c.
160. Time to be a bar, &c.
161. Limit of damages, if trial judge certifies for probable cause, &c.
162. Report inwards or outwards may be made by purser of steamer, but master may be called to answer questions.
163. Time of importation defined, &c.
164. Oath to include affirmation in certain cases.
165. Before whom attestations of papers for entries may be made.
166. Persons empowered to administer oaths, &c.
167. Bonds taken to be for the use and benefit of Her Majesty.
168. Forms of bonds and papers.
169. Certain certified documents to be *prima facie* evidence.
170. Persons transacting Customs' business for others to produce written authority, if required.
171. Attorney or agent may execute bonds for principal.
172. Partner may make bond, &c., to bind firm.
173. Certain goods exempt from duty liable to duty if sold after importation.
174. Goods exempt from duty to be described in the entry.
175. Exemption from duty of goods unladen to repair damage.
176. No exemption if goods sold.
177. Articles which may be landed without warrant, if duly reported.
178. Stocks or perishable articles may be landed before report.
179. Surplus stores dutiable.
180. Burden of proof of due entry.
181. Time to be a bar to return of overpaid duties.
182. No refund after fourteen days.

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183. Goods must be imported in registered vessel.
184. Collector may grant bill of health.
185. Where things seized to be taken.
186. How smuggled goods stopped on suspicion of being stolen to be dealt with.
187. Seizure or detention to be reported to assistant collector.
188. Assistant collector may call upon owner or claimant for statement on oath.
189. Assistant collector may report his opinion to Receiver General.
190. Proceedings thereon.
191. Decision of Rec. General final.
192. Reference to the court.
193. Proceedings thereon.
194. Service of notice to produce.
195. Sales of forfeited goods.
196. Application of proceeds of sales of forfeited goods.
197. Production of books, &c., in case of seizure of goods.
198. Penalty for non-production.
199. Release of goods seized on deposit of value and costs.
200. Cattle or perishable articles may be sold as if condemned.
201. Procedure in case of claim of articles under \$100 in value.
202. Penalty and forfeiture for smuggling, &c.
203. Penalty for not reporting.
204. Forfeiture of goods landed without due entry.
205. Penalty and forfeiture for breach of regulations.
206. Vessels used in conveying forfeitable goods to be forfeited.
207. Forfeiture of smuggled goods.
208. Persons in company having smuggled goods guilty of a misdemeanor.
209. Persons on board smuggling vessels; Penalty.
210. Penalty for procuring persons to assist in smuggling.
211. Persons making false invoices not to recover price of goods.
212. Evidence of intention to fraudulently use invoice.
213. Penalty on persons presenting false invoice.
214. Forfeiture of goods included in false entry.
215. Offences as to warehoused goods.
216. Penalty for illegal entry of warehouse.
217. Penalty for obtaining access to bonded goods in a railway car.
218. Penalty for altering or defacing marks.
219. Penalty on person other than owner, agent or master entering goods outwards.

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220. Counterfeited paper.
221. Taking seized goods without authority.
222. Persons assaulting, &c., officers.
223. Penalty for refusing to stop vessel.
224. Penalty and forfeiture for offering for sale goods pretended to be smuggled.
225. Penalty for not truly answering lawful questions.
226. Penalty for having wrecked goods unreported, &c.
227. Penalty on police officer not conveying detained goods to Custom House.
228. Penalty on collector allowing payment to be avoided or deferred.
229. Penalty on Customs' officers conniving at evasion of revenue laws.
230. Jurisdictions in which penalties recoverable.
231. Appeals.
232. Persons entitled to bring suit.
233. More offences than one may be charged.
234. Matters to be averred in declarations, &c.
235. Costs of prosecution, &c.
236. *Nolle prosequi* may be entered if no fraudulent intent.
237. If place where cause of prosecution arose is averred, onus is on party traversing.
238. If probable cause for seizure is certified, successful claimant not entitled to costs.
239. Onus of proof on owner in certain cases.
240. Disposition of goods seized, &c.
241. Proceedings for condemnation may be taken—
242. From what period action, &c., to be deemed to commence.
243. Commencement of proceedings for condemnation; Claimant to file his claim in Court.
244. Security for costs.
245. Claim to be entered in name of owner.
246. Penalty for breaches where no specific penalty imposed.
247. Time to be a bar to right of seizure.
248. Appeal from Courts of inferior jurisdiction.
249. Security dispensed with in case of appeal by Attorney General or Customs officer.
250. Goods seized may be delivered to owner, &c., pending appeal from judgment in his favor, if he gives security.

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251. Governor in Council may make regulations for regulating the amount of tare.
 252. Power to allow a drawback.
 253. To interpret, &c., conditions on which any article may be imported.
 254. To make regulations for appointment of sufferance wharves and warehouses; Proviso.

Section.

255. To prohibit exportation of certain goods.
 256. To require oath or declaration.
 257. To prescribe and alter forms of oaths.
 258. Regulations to take effect from publication.
 259. Disposition of surplus proceeds of vessel sold to satisfy penalty.
 260. Repeal.

Be it enacted by the Governor, the Legislative Council, and the House of Assembly, in Legislative Session convened, as follows:—

1. This Act may be cited as "The Customs' Act, 1898."
 2. In this Act, or in any other laws relating to the Customs, unless the context otherwise requires—

- (a.) The expression "port" means a place where vessels may discharge or load cargo.
- (b.) The expression "Collector" means the Collector of Customs at the port intended in the sentence, or any person lawfully deputed, appointed or authorized to do the duty of Collector thereof.
- (c.) The expression "officer" means an officer of the Customs.
- (d.) The expression "vessel" means any ship, vessel or boat of any kind whatsoever, whether propelled by steam or otherwise.
- (e.) The expression "master" means the person having or taking charge of any vessel.
- (f.) The expression "owner," "importer" or "exporter" includes persons lawfully acting on their behalf.
- (g.) The expression "goods" means goods, wares and merchandise, or moveable effects of any kind.
- (h.) The expression "warehouse" means any place, whether house, shed, yard, dock, pond, or other place in which goods imported may be lodged, kept and secured without payment of duty.
- (i.) The expression "Customs warehouse" includes sufferance warehouse, bonding warehouse and examining warehouse.
- (j.) The expression "oath" includes declaration and affirmation.
- 736 (k.) The use of the expression "seized and forfeited," "liable to forfeiture," or "subject to forfeiture," or any other expression which might of itself imply that some act subsequent to the commission of the offence is necessary to work the forfeiture, shall not be construed as rendering any such subsequent act necessary, but the forfeiture shall accrue at the time of and by the commission of the offence in respect of which the penalty of forfeiture is imposed.
- (l.) The expression "value" in respect to any penalty or forfeiture imposed by this Act, and based upon the value of any goods or articles, means the duty-paid value of such goods or articles at the time of the commission of the offence by which such penalty or forfeiture is incurred.
- (m.) The expression "Court" means the Supreme Court of Newfoundland.

All the expressions and provisions of this Act, or of any such law as aforesaid, shall receive such fair and liberal construction and interpretation as will best insure the protection of the revenue and the attainment of the purpose for which this Act or such law was made, according to its true intent, meaning and spirit.

3. The Governor in Council may, by regulation from time to time, appoint the ports and places of entry for the purposes of this Act, and may in like manner increase or diminish the number or alter the position or limits thereof.

4. The true amount of Customs duties payable to Her Majesty with respect to any goods imported into this Colony, or exported therefrom, and the additional sum, if any, payable under the next following section of this Act shall, from and after the time when such duties should have been paid or accounted for, constitute a debt due and payable to Her Majesty, jointly and severally, from the owner of the goods at the time of the importation or exportation thereof, and from the importer or exporter thereof, as the case may be; and such debt may, at any time, be recovered with full costs of suit, in any Court of competent jurisdiction, and shall constitute and be a prior claim upon the estate, lands, goods, chattels, credits and effects of the importer, consignee or other person owing such debt.

5. If in any case the true value for duty of any goods as finally determined under this Act or as determined in any action or proceeding to recover unpaid duties, exceeds by twenty per centum, or more, the value for duty as it appears by the bill of entry thereof, there shall be levied and collected upon the said goods, in addition to the ordinary duty payable on such goods, when properly valued, a sum equal to one-half of the whole duty so payable; and if the owner, importer or consignee refuses or neglects to pay the said duty and additional sum within six days after notice so to do has been served upon him personally or by leaving the same at his domicile or place of business, the goods shall be seized and forfeited.

6. Whenever any difference arises as to whether any or what rate of duty is payable on particular goods, and there is no previous decision in the matter by any competent tribunal, or there are decisions inconsistent with each other, the Governor in Council may declare the rate of duty payable on the kind of goods in question, or that such goods are exempt from duty; and any decision of the Governor in Council, or any Order in Council made upon appeal, containing such declaration and fixing such rate of duty, if any, shall have the same force and effect as if such rate of duty had been fixed and declared by statute; and every Order in Council made under this section shall be published in the *Royal Gazette*.

7. All invoices of goods shall be made out in the currency of the country whence the goods are imported, and shall contain a true statement of the value of such goods; and in computing the value for duty of such currency, the rate thereof shall be such as has been ordered and proclaimed, from time to time, by the Governor in Council, who is hereby empowered to make such order, and the rate ordered shall be based upon the actual value of the standard coins or currency of such country as compared with the standard dollar of the Colony, in so far as such comparative values are known; and whenever the value of a currency has not been proclaimed, or whenever there is no fixed standard value, or whenever from any cause the

value of such currency has become depreciated, there shall be attached to the invoice of the goods imported certificate of some Consul resident in such place or country, showing the extent of such depreciation, or the true value of the currency in which such invoice is made out, then and there, as compared with the standard dollar of this Colony: Provided, however, that whenever the value of a depreciated currency is dependent upon the rate of exchange on London, it shall be optional with the importer, with the consent of the Collector, or other proper officer to compute the value for duty at the rate of exchange certified by the bank through which the exchange is drawn, as current at the time and place when and whence the goods were exported to this Colony: Provided also, that when the currency value is so determined at the time of entry, either by Consul's certificate, or by the certificate of the bank as hereinbefore provided, such rate or value shall be final and not open to any re-adjustment by reason of the subsequent production of any certificate not corresponding in rate or value with that adopted.

8. Whenever duties are imposed according to any specific quantity or to any specific value, the same shall be deemed to apply in the same proportion to any greater or less quantity or value, and to any fractional part of such specific quantity.

9. Whenever duties are charged according to the weight, tale, gauge or measure, such allowances shall be made for tare and draft upon the packages as are prescribed by regulations made by the Governor in Council.

10. On each and every non-enumerated article which bears a similitude either in material or quality, or the use to which it may be applied, to any enumerated article chargeable with duty, the same rate of duty shall be payable which is charged on the enumerated article which it most resembles in any of the particulars before mentioned.

11. If any non-enumerated article equally resembles two or
737 more enumerated articles on which different rates of duty are chargeable, the duty on such non-enumerated article shall be the same as that on the enumerated article which it resembles, paying the highest duty.

12. On all articles manufactured from two or more materials, the duty shall be that charged on the article, if there is a difference of duty, which is charged with the highest duty.

13. If an article is enumerated in the tariff under two or more names or descriptions, and there is a difference of duty, the highest duty provided shall be charged and collected thereon.

14. Spirits and strong waters, from whatsoever substance distilled or prepared, having the flavor of any kind of spirits or strong waters, subject to a higher duty than whiskey, shall be liable to the duty imposed on spirits or strong waters of which they have the flavor.

15. Goods derelict, flotsam, jetsam or wreck, or landed or saved from any vessel wrecked, stranded or lost, brought or coming into this Colony, shall be subject to the same duties and regulations as goods of the like kind imported are subject to.

16. If the duties on goods referred to in the next preceding section are not paid within twelve months from the time when the same were delivered to the proper officer, as hereinafter mentioned, the same may be sold in like manner and for the same purpose as goods imported

may, in such default, be sold; and if they are sold for more than enough to pay the duty and charges thereon, the surplus shall be paid over to the person entitled to receive it.

17. The proper officer may take such samples of goods as shall be necessary for ascertaining the amount of any duties payable on the same, and all such samples shall be disposed of and accounted for in such manner as the Receiver General shall direct.

REPORT AND ENTRY INWARDS.

18. No goods shall be unladed from any vessel arriving at any port or place in this Colony from any place out of this Colony, or from any vessels having dutiable goods on board brought coastwise, nor shall bulk be broken within three leagues of the coast, until due entry has been made of such goods and warrant granted for the unloading of the same; and no goods shall be so unladed, unless for the purpose of lightening the vessel in crossing over or getting clear from a shoal, rock, bar, or sand-bank, except between six o'clock in the morning and six o'clock in the evening, and on some day not being a Sunday or statutory holiday, and at some hour and place at which an officer of the Customs is appointed to attend the unloading of goods, or at some place for which a sufferance has been granted by the collector or other proper officer for the unloading of such goods; and if, after the arrival of the vessel within three leagues of the coast, any alteration is made in the stowage of the cargo so as to facilitate the unlawful unlading of any part thereof, or if any part thereof is fraudulently staved, destroyed, or thrown overboard, or any package is opened, it shall be deemed a breaking of bulk; and all goods unladed contrary to this Act shall be seized and forfeited; and if bulk is broken contrary to this Act the master shall forfeit four hundred dollars, and the vessel may be detained until the said sum is paid, or satisfactory security is given for the payment thereof; and unless payment is made or security is given within thirty days, such vessel may, at the expiration thereof, be sold to pay the said sum.

19. The collector, or other proper officer, may permit the master of any steamboat, under such rules and regulations as the Governor in Council may make, to deposit the cargo in a warehouse to be provided by the owner or agent of the boat and approved of by the Receiver General, the owner or agent of the boat having first given general security by bond, in the form prescribed by the Governor in Council, with two sureties, for the payment of the full duties of importation on all such goods as shall be at any time so warehoused therein, or for the exportation thereof; and goods so deposited shall be deemed to be on board the importing steamboat, and shall be subject to the same regulations, penalties and forfeitures as if they had not been taken thereout; and the master or owner of the steamboat shall have the same lien on the goods for freight or other charges as if the same had not been deposited in the warehouse, but shall not be entitled to any rents for the goods so deposited. The owner or consignee of the goods must make due entry thereof within ten days from the time of their being so deposited in the warehouse; provided, that in case such entry is not made within the time men-

tioned, the Receiver General may apply the provisions of section 18 of this Act, so far as it may be done, to such goods.

20. All goods imported into this Colony, whether dutiable or not, shall be brought in at a port of entry where a Custom House is lawfully established.

21. In the case of every vessel bound for any seaport or place in this Colony from any port out of this Colony, the collector or proper officer of such port may cause such vessel to be boarded by an officer of Customs detailed by him for such service at any place within three marine miles of the anchorage ground, and such officer may demand from the master or purser of such vessel a correct copy of the report inwards intended by such master or purser to be presented at the Custom House on arrival; and such boarding officer may remain on board the vessel until she anchors, and the copy of the report so received by him shall be deposited by him at the Custom House as the vessel's report inwards for comparison with that to be presented by the master or purser in person.

22. The master of every vessel coming from any port or place out of this Colony, or coastwise, and entering any port in this Colony, whether laden or in ballast, shall go without delay, when such vessel is anchored or moored, to the Custom House for the port or place of entry where he arrives, and there make a report in writing to the Collector or other proper officer, of the arrival and voyage of such vessel, stating her name, country and tonnage, the port of registry, the name of the master, the country of the owners, the number and names of the passengers, if any, the number of the crew, and whether the vessel is laden or in ballast, and if laden, the marks and numbers of every package and parcel of goods on board, and of the sorts of

goods and the different kinds of each sort contained therein,
738 and where the same was laden, and the particulars of any goods stowed loose, and where and to whom consigned, and where any, and what goods, if any, have been laden or unladen, or bulk has been broken during the voyage, what part of the cargo and the number and names of the passengers which are intended to be landed at that port, and what and whom at any other port in this Colony, and what part of the cargo, if any, is intended to be exported in the same vessel, and what surplus stores remain on board, as far as any of such particulars are or can be known to him.

23. The master shall, at the time of making his report, if required by the officer of Customs, produce to him the certificate of registry of his vessel, the bills of lading of the cargo, or true copies thereof, and shall make and subscribe an affidavit referring to his report and declaring that all the statements made in the report are true; and shall further answer all such questions concerning the vessel and cargo, and the crew, and the voyage, as are demanded of him by such officer, and shall, if required, make the substance of any such answer part of his report.

24. If any goods are unladen from any vessel before such report is made, or if the master fails to make such report, or makes an untrue report, or does not truly answer the questions demanded of him, as provided in the next preceding section, he shall incur a penalty of four hundred dollars, and the vessel may be detained until such penalty is paid; and unless payment is made within thirty days, such vessel may, after the expiration of such delay, be sold to pay such

penalty and any expenses incurred in detaining, keeping and selling such vessel.

25. All goods not reported found on board of any vessel or landed, shall be seized and forfeited, unless it appears that there was no fraudulent intention, in which case the master shall be allowed to amend his report; but the necessary discharging of any goods for the purpose of lightening the vessel, in order to pass any shoal or otherwise for the safety of such vessel, shall not be deemed an unlawful landing or breaking of bulk.

26. If the contents of any package intended for importation into another port, or for exportation, are unknown to the master, the proper officer may open and examine it, and cause it for that purpose to be landed if he sees fit; and if any prohibited goods are found therein all the goods in such package shall be seized and forfeited.

27. If any goods are brought in any vessel from any place out of this Colony to any port of entry therein, and not landed, but it is intended to convey such goods to some other port in this Colony in the same vessel, there to be landed, the duty shall not be paid or the entry completed at the first port, but at the port where the goods are to be landed, and to which they shall be conveyed accordingly under such regulations, and with such security or precautions for compliance with the requirements of this Act as the Governor in Council from time to time directs.

28. Every importer of goods by sea, or from any place out of this Colony, shall, within three days after the arrival of the importing vessel, make due entry inwards of such goods and land the same.

29. The person entering any goods inwards shall deliver to the Collector, or other proper officer, an invoice of such goods, showing the place and date of purchase and the name or style of the firm or person from whom the goods were purchased, and a full description thereof in detail, giving the quantity and value of each kind of goods so imported, and the bill of entry thereof, in such form as is appointed by the Governor in Council, fairly written or printed, or partly written and partly printed, and in duplicate, containing the name of the importer, the name of the vessel and of the master, and of the place to which bound, and of the place within the port where the goods are to be unladen, the description of the goods, and the marks and numbers and contents of the packages, and the place from which the goods are imported, and of what country or place such goods are the growth, produce or manufacture, and the value of such goods. Unless the goods are to be warehoused in the manner by this Act provided, the importer shall at the same pay down, or cause to be paid down, or otherwise secure all duties upon all goods entered inwards, and the said officer shall thereupon grant his warrant for the unloading of such goods, and grant a permit for the conveyance of such goods further into this Colony, if so required by the importer.

30. In default of such entry and landing or production of the goods, or payment of duty, the officer of Customs may convey the goods to a Customs warehouse, or some secure place appointed by the Collector for such purpose, there to be kept at the risk and charge of the owner; and if such goods are not duly entered within one month from the date of their being so conveyed to the Customs warehouse, or other appointed place, and all charges of removal and warehouse

rent duly paid at the time of such entry, the goods shall be sold by public auction to the highest bidder and the proceeds thereof shall be applied, first to the payment of duties and charges, and the overplus, if any, after discharging the vessel's lien, or other charges for transportation, shall be paid to the owner of the goods or to his lawful agent: Provided always, that if the same cannot be sold for a sum sufficient to pay the duties and charges if offered for sale for home consumption, or the charges if offered for sale for exportation, such goods shall not be sold, but shall be destroyed or exported from the Colony.

31. The quantity and value of any goods shall always be stated in the bill of entry thereof, although such goods are not subject to duty, and the invoice thereof shall be produced to the Collector.

32. In any case where the duty set forth in any entry shall not amount to two hundred dollars, the Collector or other proper officer shall forthwith collect the same before granting his warrant for the removal of the articles imported; and in case such duties shall amount to two hundred dollars, the Collector, or other proper officer aforesaid, may secure the said duties by taking bond, in the form prescribed by the Governor in Council, from the importer, owner or consignee, to Her Majesty, with two sureties for the payment thereof in four months from the date of such bond: Provided that no bond shall be taken for duties payable on spirits distilled in this Colony, or for malt or dextrinous liquors brewed or manufactured therein.

33. Wherever, under the provisions of this Act, a bond shall be taken in security for duties, interest at the rate of six dollars per centum per annum shall be payable on the sum thereby secured, and shall be included in such bonds. And the amount of such bond and interest shall constitute and be a prior claim upon the estate, lands,

goods, chattels, credits and effects of any persons signing such
739 bond from the time such person shall become insolvent until
the amount of such bond and interest shall be paid.

34. If the importer of any goods whereon duty is imposed or the person authorized to make the declaration required with regard to such goods, makes and subscribes a declaration before the collector, or other proper officer, that he cannot for want of full information make perfect entry thereof, and takes the oath in such cases provided, then the collector or officer may cause such goods to be landed on a bill of sight for the packages and parcels thereof, by the best description that can be given, and to be seen and examined by such person and at his expense, in the presence of the collector or other proper officer, or of such other officer of the Customs as is appointed by the said collector or other proper officer, and to be delivered to such person on his depositing in the hands of the collector or officer a sum of money sufficient in the judgment of the collector or officer to pay the duties thereon; and if the importer does not complete a perfect entry within the time appointed by the collector, the money so deposited shall be taken and held to be the duty accruing on such goods and shall be dealt with and accounted for accordingly.

35. Such sight entry may be made as aforesaid and the goods may be delivered, if such importer or person as aforesaid makes oath or affirms that the invoice has not been and cannot be produced, and pays to the collector or proper officer aforesaid a sum of money sufficient in the judgment of such collector or officer to pay the duties

on such goods; and such sum shall then be held to be the amount of such duties.

36. No entry shall, except in cases in which it is otherwise provided herein, or by regulation of the Governor in Council, be deemed perfect unless a sufficient invoice of the goods to be entered, duly certified in writing thereon as correct by the person, firm or corporation from whom the said goods were purchased, has been produced to the collector, and duly attested as required by this Act.

37. With the bill of entry of any goods there shall be produced and delivered to and left with the collector an invoice of the goods, as provided in the next preceding section, attested by the oath of the owner, and if the owner is not the person entering such goods, then verified by the oath of the importer or consignee, or (subject to the provision hereinafter made) other person who may lawfully make such entry and verify such invoice in the form or to the effect of the oath or oaths prescribed by the Governor in Council in that behalf, which oath or oaths shall be written or printed, or partly written and partly printed, on such invoice or on the bill of entry, as the case may be, or shall be annexed thereto, and shall in either case distinctly refer to such invoice, so that there can be no doubt as to its being the invoice to which such oath is intended to apply, and shall be subscribed by the person making it and certified by the signature of the person before whom it is made; and the bill of entry shall also contain a statement of the quantity and value for duty of the goods therein mentioned, and shall be signed by the person making the entry, and shall be verified in the form or to the effect of the oath prescribed by the Governor in Council in that behalf.

38. If there be more than one owner, importer or consignee of any goods, any one of them cognizant of the facts may take the oath required by this Act; and such oath shall be sufficient, unless the goods have not been obtained by purchase in the ordinary way, and some owner, resident out of this Colony, is the manufacturer or producer of the goods, or concerned in the manufacture or production thereof, in which case the oath of such non-resident owner, or one of them, if there are more than one cognizant of the facts, shall be requisite to the due attestation of the invoice.

39. The invoice of any goods produced and delivered to the collector, with the bill of entry thereof, shall, if required by the collector, be attested by the oath of the owner, or one of the owners of such goods, and shall also be verified by the oath of the importer or consignee, or other person who may under this Act lawfully make entry of such goods and verify such invoice, if the owner or one of the owners is not the person entering such goods, and shall also, if required by the collector, be attested by the oath of the non-resident owner being the manufacturer or producer of such goods, in the case mentioned in the next preceding section, although one of the owners is the person entering the goods and verifying the invoices on oath.

40. If the owner, importer or consignee of any goods is dead, or a bankrupt or insolvent, or if for any cause his personal estate is being administered by another person, his executor, administrator or assignee, or person administering as aforesaid, may, if cognizant of the facts, take any oath and make any entry which such owner, importer or consignee might otherwise have taken or made.

41. No person other than the owner, consignee or importer of the goods of which entry is to be made, shall be allowed to take any oath connected with the entry, unless there is attached to the bill of entry therein referred to a declaration by the owner, consignee or importer of the said goods, or his attorney and agent, duly appointed to transact business with the collector pursuant to the provisions in that behalf of this Act, to the same effect as the oath distinctly referring to the invoice presented with such bill of entry and signed by such owner, importer or consignee, or by his attorney and agent, appointed as aforesaid, either in the presence of the agent making the entry, or of a justice of the peace or notary public, who shall attest the signature.

42. Such declaration shall be kept by the collector; and if there is any wilfully false statement in such declaration the goods shall be liable to seizure and forfeiture in the same manner and with the same effect as if such false statement were contained in the oath, and the person making such false statement shall be subject to the same penalties, forfeitures and punishments as if he had himself taken the oath and had made such false statement therein; but such written declaration may be dispensed with under the order of the Governor in Council, when it is deemed advisable in the interests of commerce to dispense therewith.

43. The Collectors of Customs at all ports in this Colony shall retain and put on file, after duly stamping the same, all invoices of goods imported at such ports respectively, of which invoices they shall give certified copies or extracts, whenever called upon so to do by the importers, and such copies or extracts so duly certified by the Collector or other proper officer and bearing the stamp of the Custom

House at which they are filed, shall be considered and received in all Courts of Justice as *prima facie* evidence of the contents thereof; and the Collector shall be entitled to demand for each certificate a fee of fifty cents before delivering the same; but in no case shall an invoice be shown to or a copy thereof given to any person other than the said importer or an officer of Customs, except upon the order or subpoena of a Court of Justice.

44. Whenever and so often as any goods, wares or merchandize subject to duty, shall be reported as for importation at another port within this Colony, at the port at which the importing ship shall first arrive, or for exportation, or shall be entered to be transhipped on board any vessel to be carried coastwise, the proprietor of such goods, wares or merchandize, or his agent, shall give, or procure to be given, security by bond (in such of the forms prescribed by the Governor in Council as may be applicable to the case), in treble the amount of duties of importation, that such goods, wares or merchandize shall be duly landed at the port for which they are reported for entry or to be landed, subject to the payment of duties leviable thereon at such last mentioned port: Provided that no such goods, wares or merchandize shall be reported for entry at a port or place within this Colony, not duly constituted a port of entry, with a resident officer of Customs appointed to carry out the provisions of this chapter and of the other Acts of the Legislature relating to the management and collection of the revenue; but the duties leviable on all goods, wares and merchandize reported or entered to be landed, or intended to be landed, at any port or place in this Colony, not being

a duly constituted port of entry, shall be paid at the port at which the importing ship shall first arrive, and such goods, wares and merchandize shall be liable to the same duties, rules and regulations that the like articles are subject and liable to if entered for the due landing thereof at such first port of arrival.

45. No goods shall be imported into this Colony as being imported from places beyond the seas, if any advantage attach to such a distinction, unless such goods appear by the cocket, clearance, or other proper document for the same, to have been duly shipped and cleared outwards for exportation.

46. No spirits (except from Europe, the British West Indies, or the British Possessions in North America), shall be imported into this Colony, or be carried coastwise from one port to any other thereof in any cask or other vessel capable of containing liquors not being of the size or contents of thirty gallons at least, or be exposed for sale, or be in possession of any person, unless the same shall have been transferred to such smaller cask or vessel after it shall have been brought into the Colony, of which the proof shall be upon the party in possession: Provided, that nothing herein contained shall extend to any spirits imported in any ship in bottles as part of the cargo, nor to any spirits being really intended for the consumption of the seamen or passengers of such ship during her voyage and not being more in quantity than is necessary for that purpose; and if any spirits, or other goods, wares or merchandize shall be imported or brought into this Colony contrary to the prohibition or restrictions contained in this chapter in respect thereof, then, and in every such case, such spirits, or other goods, wares or merchandize, together with the packages containing the same, shall be forfeited.

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ENTRY OUTWARDS.

96. Except as provided by section 112, the master of every vessel bound outwards from any port in this Colony to any port or place out of this Colony, or on any voyage to any place within or without the limits of this Colony, or coastwise, shall deliver to the collector or other proper officer a report in writing outwards under his hand, of the destination of such vessel, stating her name, country, and tonnage, the port of registry, the name of the master, the country of the owners and the number of the crew; and before any goods or ballast are taken on board such vessel the master shall show that all goods therein imported, except such as were reported for exportation in the same vessel have been duly entered and landed; except that the proper officer may issue a stiffening order that such goods or ballast as are specified therein may be laden before the former cargo is discharged; and before such vessel departs the master shall bring and deliver to the collector or other proper officer a content in writing under his hand, of the goods laden and the names of the respective shippers and consignees of the goods, with the marks and numbers of the packages or parcels of the same, and shall make and subscribe a declaration to the truth of such content as far as any of such particulars can be known to him.

97. The master of every vessel, whether in ballast or laden shall, before departure, come before the collector, or other proper officer,

and answer all such questions concerning the vessel, and the cargo, if any, and the crew, and the voyage, as are demanded of him by such officer, and if required, shall make his answers or any of them part of the declaration made under his hand; and thereupon the collector or other proper officer, if such vessel is laden, shall make out and give to the master a certificate of the clearance of such vessel for her intended voyage with merchandize or a certificate of her clearance in ballast, as the case may be; and if there is merchandize on board, and the vessel is bound to any port in this Colony, such clearance shall state whether any and which of the goods are the produce of this Colony, and if the goods are such as are liable to duties, whether the duties thereon have been paid; and in such case the master shall hand the clearance to the collector at the next port in this Colony at which he arrives, immediately on his arrival.

98. If any vessel departs from any port or place in this Colony without a clearance, or if the master delivers a false content, or does not truly answer the questions demanded of him, or if any goods be laden on board any such vessel before the master shall show that all goods therein imported (except such as were reported for exportation in the same vessel) have been duly entered and landed, unless a stiffening order has been given, or if, having received a clearance, such vessel adds to her cargo, or performs any work without having mentioned in the report outwards the intention so to do, the master

shall incur a penalty of four hundred dollars; and the vessel
741 shall be detained in any port in this Colony until the said
penalty is paid; and unless payment is made within twenty
days, such vessel may, after the expiration of such delay, be sold
to pay such penalty, and any expenses incurred in detaining, keeping
and selling such vessel.

99. The Governor in Council may, by regulation, dispense with any of the requirements of the two sections next preceding which he deems it inexpedient to enforce, with regard to vessels engaged in the coasting trade.

100. Before a clearance is granted to any vessel bound to a port or place out of this Colony, the owners, shippers, or consignors, of the cargo on board such vessel shall deliver to the collector or other proper officer of Customs, entries of such parts of the cargo as are shipped by them respectively, and shall verify the same by oath; and such entries shall specify the kinds and quantities of the articles shipped by them respectively, and the value of the total quantity of each kind of article, and whether the said goods are of Newfoundland or foreign production or manufacture; and such oath shall state that such entry contains a full, just and true account of all articles laden on board of such vessel by such owners, shippers, or consignors respectively; and that the values of such articles are truly stated according to their actual cost, or the value which they truly bear at the port and time of exportation; and in case the goods so shipped or any part thereof are or is liable by law to any export duty, the amount of such duty shall be stated in such entry; and no such entry shall be valid, and no clearance shall be granted to such vessel until such duty is paid to the collector or other proper officer of Customs.

101. All goods or merchandize exported shall be reported and entered outwards at the nearest Customs house, and a certified copy

of the export entry shall be attached to and accompany the way bill of goods, or if exported from any place where no Custom house is established, they shall be reported either in like manner at such nearest Custom house, or at the port of exit, from this Colony, according to such regulations as are established by the Governor in Council from time to time.

102. Upon the entry outwards of any goods to be exported from a Customs warehouse, the person entering the same for such purpose shall by and upon the making of such entry, whether so expressed in such entry or not, become thereby bound to the actual exportation thereof, to the actual landing or delivering at the place for which they are entered outwards, and to the accounting for the same to the satisfaction of the collector or other proper officer of Customs, and to the production within a period to be named in such entry of such proof or certificate that such goods have been so exported, landed or delivered, or otherwise lawfully disposed of as the case may be, as shall be required by any regulation of the Governor in Council, or by the collector or other proper officer of Customs; and shall by and upon the making of such entry become thereby holden to the payment of a sum equal to double the duties of importation on such goods in case of the non-performance of the obligation to so export, land or deliver, and to produce such proof thereof as herein above provided; and if any such goods are not exported, or otherwise lawfully disposed of, or are fraudulently relanded in or brought into this Colony in violation of the Customs law and regulations, they shall be seized and forfeited together with any vessel or vehicle from or in which they have been so landed or brought into this Colony, or in which they may be found, and the person entering the same for exportation shall, whether such goods were seized or not, thereupon be held to the payment of such double duty in addition to any other penalties or forfeitures to which he may be liable under this Act, which payment may be thereupon enforced.

103. If within the period appointed in the entry for exportation, as provided for in the next preceding section of this Act, there is produced to the collector or other proper officer of Customs the written certificate of some principal officer of Customs or of Colonial Revenue at the place to which the goods were exported, or if such place is in a foreign country, of any proper officer of Customs therein or of any British or foreign consul or vice-consul resident there, showing that the goods named in the said entry were actually landed and left at some place, naming it, out of this Colony, as provided for in the said entry, or if it is proved to the satisfaction of the collector or other proper officer of Customs that the said goods were after leaving this Colony, lost and destroyed, the obligation of the person making such export entry to the payment of the double duty on such goods shall terminate, and he shall thereby be released from such obligation.

104. The Governor in Council may, by regulations from time to time made in that behalf, require such further information with regard to the description, quantity, quality and value of goods exported from this Colony, or removed from one port to another in this Colony, or in transit through this Colony, to be given to the proper officer of the Customs, in the report and entry of such goods

outwards or otherwise as he deems requisite for statistical or other purposes.

105. No entry outwards or any shipping warrant or warrant for taking goods from warehouse for exportation shall be deemed valid, unless the particulars of the goods and packages correspond with the particulars in the entry inwards, nor unless they are properly described in the entry outwards by the character, denomination and circumstances under which they were originally charged with duty; and any goods laden or taken out of warehouse by an entry outwards or shipping warrant not so corresponding or not properly describing them, shall be seized and forfeited.

106. If the owner of any goods is resident more than ten miles from the office of the collector at the port of shipment, he may appoint an agent to make his entry outwards and clear and ship his goods; but the name of the agent and the residence of the owner shall be subjoined to the name in the entry and shipping warrant; and the agent shall make the declaration on the entry which is required of the owner, and shall answer the questions that are put to him; and any trading corporation or company may appoint an agent for the like purpose.

107. The owner, shipper or consignor of any goods who refuses or neglects to make report and entry of the articles shipped or laden by them respectively, as required by section one hundred, or by the next preceding section, shall incur a penalty not exceeding two hundred dollars for each such offense.

742 108. The master of every ship having on board goods, wares, or merchandize subject to duty, arriving coastwise, at any port in this Colony shall, within twenty-four hours after arrival, and before bulk be broken, make due report in such form as may be prescribed for that purpose, containing the several particulars set forth in the twenty-second section of this Act.

109. The master of every vessel engaged in the fisheries or coasting trade of this Colony, not having on board any goods, wares or merchandize subject to duty, shall, before departure from the port of lading deliver to the proper officer of Customs an entry outward, under his hand, of such ship, stating the name, country and tonnage of the ship, the name of the master, and number of the crew; and thereupon the proper officer aforesaid may give to the master a certificate under his hand, that such vessel hath been specially cleared out for the fisheries or coasting trade, and such certificate shall be in force until the thirty-first day of December next after the date thereof, and such vessel shall be exempt from all obligations to clear at any Custom house upon departure from any port in the said Colony during the continuance of the season for which such certificate may have been granted; and if any vessel shall depart without such certificate the master shall forfeit the sum of two hundred dollars: Provided that in case such vessel have on board, during the continuance of the season for which such certificate may have been granted, any goods, wares or merchandize subject to duty, such vessel shall be subject and liable to the same rules, restrictions and regulations as vessels bound to ports beyond the seas are subject or liable to, or to such other regulations as to the carrying of goods coastwise, as the Governor in Council may from time to time prescribe.

GOODS LANDED AT LABRADOR.

110. All goods landed at Labrador shall be subject to the duties imposed upon the like goods imported into any part of this Colony and to the same laws, rules and regulations as though they were on board the importing ship on arrival, before such landing; and unless the owners or their agents shall duly account for all such goods to any other officer of the revenue appointed to collect duties at Labrador, and to his satisfaction, pass entries for the same, and pay the duties thereon, such goods shall be forfeited; and any such officer may, at any time between sunrise and sunset, enter into any building or place of any person, dealing in or having in his possession dutiable goods, and take an account thereof; and if such owner or agent shall refuse to open the doors, or shall in anywise obstruct such officer, he shall forfeit the sum of four hundred dollars: and such officer may, if he think fit at any time so to do take with him a writ of assistance, and proceed therewith by day or night in manner by law in that behalf directed in similar cases.

111. Every importer of any goods at Labrador shall, within two days after importation, make due entry of such goods and pay the duties thereon, and if required by the collector land the said goods; and in default of such entry and payment of duties the collector may seize and sell the said goods, or so much as may be necessary for the payment of all duties on such importation, paying over the surplus of the proceeds, after the payment of such duties and expenses of seizure and sale, to the proprietor of such goods or to any person authorized to receive the same.

112. Entry outwards of any vessel bound from the coasts of Labrador to any place out of this Colony, shall be made according to sections ninety-six and ninety-seven of this Act: Provided that should the master of any vessel by reason of the absence of the collector or by reason of his inability to reach the collector, be prevented from clearing his vessel in conformity with the provisions of the above-quoted sections of this Act, the owners, shippers or consignors of the cargo on board such vessel shall deliver to the collector at St. John's at the earliest opportunity, an entry, in the form required by section one hundred of this Act, of such parts of the cargo as have been shipped by them respectively, and in case of such persons neglecting or refusing to deliver such entry to the collector at St. John's, they shall incur a penalty of two hundred dollars.

113. For the purpose of the collection of the revenue at Labrador, the office of collector, where there is no office on shore, shall be held to be in the ship or vessel in which such collector shall be conveyed.

114. Goods seized as forfeited at Labrador may be sold by the collector under the provisions of the laws relating to the revenue, at any port or place such collector may deem expedient.

115. The Governor in Council may, by instructions to be given to the collector in that behalf, authorize the importation and entry of, and payment of duties upon, spirits imported into Labrador in casks containing less than thirty gallons.

116. Every person who shall be concerned in landing or unshipping at Labrador any goods, wares or merchandise liable to duty, the duty on which has not been paid or secured, shall forfeit and pay a penalty of four hundred dollars.

117. In any proceeding for any such penalty or forfeiture, the Court, Judge or Justice of the Peace may compel the appearance of any witness by warrant, either in the first instance, or upon a summons to such witness being disobeyed.

PROTECTION OF THE REVENUE.

118. If any vessel is found hovering in British waters, within one league of the coasts or shores of this Colony, any officer of Customs may go on board and enter into such vessel, and stay on board such vessel while she remains within the limits of this Colony or within one league thereof; and if any such vessel is bound elsewhere, and so continues hovering for the space of twenty-four hours after the master has been by such officer of Customs, required to depart, such officer may bring the vessel into port, and examine her cargo, and if any goods, the importation of which into this Colony is prohibited are on board, such vessel, with her apparel, rigging, tackle, furniture, stores and cargo, shall be seized and forfeited; and if the master or person in charge refuses to comply with the lawful directions
 743 of such officer, or does not truly answer such questions as are put to him, respecting such ship or vessel or her cargo, he shall incur a penalty of four hundred dollars.

119. The master of any vessel shall, if required, produce his manifest to such revenue officer, and also deliver to him a copy thereof, and such officer shall note on the original manifest, the date of production, and return the same to the master; and if any such master shall refuse to produce his manifest, or to deliver a copy thereof as aforesaid he shall forfeit the sum of two hundred dollars.

120. If any goods are imported into this Colony at any other place than at some port or place of entry at which a Custom house is then lawfully established, or are carried past such Custom house, or removed from the place appointed for the examination of such goods by the collector or other officer of the Customs at such port or place, before the same have been examined by the proper officer and all duties thereon paid and a permit given accordingly, such goods shall be seized and forfeited; and every person concerned in such unlawful importation or removal, shall incur a penalty equal to the value of such goods.

121. If any vessel enters any place other than a port of entry, unless from stress of weather or other unavoidable cause, any dutiable goods on board thereof, except those of an innocent owner, shall be seized and forfeited, and the vessel, if of less value than eight hundred dollars, may be seized, and the master or person in charge thereof shall incur a penalty not exceeding four hundred dollars, and the vessel may be detained until such penalty is paid; and unless payment is made within thirty days, such vessel, may, after the expiration of such delay, be sold to pay such penalty and any expenses incurred in making the seizure and in the safe keeping and sale of such vessel.

122. If any vessel worth more than eight hundred dollars, enters any place other than a port of entry, unless from stress of weather or other unavoidable cause, any dutiable goods on board thereof except those of an innocent owner, shall be seized and forfeited, and the vessel may be seized, and the master or person in charge thereof

shall incur a penalty of eight hundred dollars; and the vessel may be detained until such penalty is paid; and unless payment is made within thirty days, such vessel may, after the expiration of such delay, be sold to pay such penalty, and any expenses incurred in making the seizure and in the safe keeping and sale of such vessel.

123. If any goods are unlawfully imported on the person or as luggage or among the luggage of any one arriving in this Colony, such goods shall be seized and forfeited.

124. No entry, and no warrant for the landing of any goods, or for the taking of any goods, out of any warehouse, as herein provided, shall be deemed valid, unless the particulars of the goods and packages in such entry or warrant correspond with the particulars of the goods and packages purporting to be the same, in the report of the vessel, or other report, where any is required, by which the importation or entry thereof is authorized, nor unless the goods have been properly described in such entry by the denominations and with the characters and circumstances according to which such goods are charged with duty or may be imported; and any goods taken or delivered out of any vessel or out of any warehouse, or conveyed into this Colony beyond the port or place of entry, by virtue of any entry or warrant not corresponding with the facts in all such respects or not properly describing the goods, shall be deemed to be goods, landed or taken without due entry thereof, and shall be seized and forfeited; and the collector or proper officer after the entry of any goods, may, on suspicion of fraud, open and examine any package of such goods, in the presence of two or more credible witnesses, and if, upon examination the same are found to agree with the entries, they shall be repacked by such collector or proper officer, at the public cost, but otherwise they shall be seized and forfeited.

125. Any package of which the importer or his agent declares the contents to be unknown to him, may be opened and examined by the collector or other proper officer, in the presence of such importer or agent, and at the expense of the importer, who shall also bear the expense of repacking and all cost of carriage of the same.

126. The collector or other proper officer may cause at least one package in every invoice or entry and at least one package in ten if there are more than ten in any invoice or entry, and so many more as he deems it expedient to examine for the protection of the revenue, to be sent to the examining warehouse, and there to be opened, examined and appraised—the package so to be opened being designated by the collector or other proper officer.

127. If any goods are found in any package which are not mentioned in the invoice or entry, such goods shall be seized and forfeited, and if such goods are not found, but the value thereof has been ascertained, the owner, importer or other person who has made entry or caused to be made entry of such package, and who neglects on receipt of such package to immediately make report and entry of such inclosure, shall forfeit the value thereof.

128. If any goods are found which do not correspond with the goods described in the invoice or entry, or if the description in the invoice or entry has been made for the purpose of avoiding payment of the duty or of any part of the duty on such goods, or if in any entry any goods have been undervalued for such purpose as aforesaid, such goods shall be seized and forfeited.

129. All the packages mentioned in any one entry, although some of such packages have been delivered to the importer, or some one on his behalf, shall be subject to the control of the Customs authorities of the port at which they are entered, until such of the packages as have been sent to the examining warehouse for examination have been duly opened and the contents examined and approved; and the packages so delivered shall not be opened or unpacked before the goods contained in the package or packages sent to the examining warehouses have been examined and passed as aforesaid, under a penalty equal to the value of the contents of the packages so delivered or the seizure and forfeiture of the goods: Provided always, that this prohibition shall not extend beyond a period of three days after the goods designated for examination have been actually delivered at the examining warehouse.

130. Any package delivered without examination, or the goods, if lawfully unpacked, shall, if required by the collector of Customs of the port at which they are entered, be returned to the Customs or examining warehouse within ten days of delivery,
744 under a penalty equal to the value thereof; and the collector shall use due diligence in causing a proper examination thereof to be made, and may, if he sees no objection, permit the remaining packages to be opened and unpacked as soon as the contents of those sent to the Customs or examining warehouse have been examined and approved.

131. The collector may require from the importer (or from his agent or from the consignor or his agent) of any goods charged with duty, or exempt from duty or conditionally exempt therefrom, before admitting the said goods to entry, such further proof as he deems necessary, by oath or declaration, production of invoice or invoices or bills of lading or otherwise, that such goods are properly described and rated for duty, or come properly within the meaning of such exemptions.

132. When any person has occasion to remove, from any port of entry to any other port or place, any goods duly entered, and on which the duties imposed by law have been paid, the collector or principal officer of the Customs at such port, on the requisition in writing of such person, within thirty days after the entry of such goods, specifying the particular goods to be removed and the packages in which such goods are contained, with their marks and numbers, shall give a permit or certificate in writing signed by him, bearing date of the day it is made, and containing the like particulars, and certifying that such goods have been duly entered at such port and the duties paid thereon, and stating the port or place at which the same were paid, and the port or place to which it is intended to convey them, and the mode of conveyance, and the period within which they are intended to be so conveyed.

133. The following goods shall not be imported into this Colony under the penalty of one hundred dollars, and, if imported, shall be forfeited and forthwith destroyed, together with the parcel or package of goods in which the same may be found, that is to say: Books, drawings, pictures, figures, models, paintings and printings of an immoral or indecent character, or base or counterfeit coin.

134. The owner or agent of all steamships, regularly employed in a conveyance of passengers inwards or otherwise, shall provide a

suitable store or place, to be approved by the Receiver General, for the deposit of passengers' luggage or other goods that may be landed from such steamship for examination by Customs officers.

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POWERS AND DUTIES OF OFFICERS.

147. Every officer and person who is employed under the authority of any Act relating to the collection of the revenue, or under the direction of any officer of Customs, shall be deemed and taken to be duly employed for the prevention of smuggling and for the enforcement of this Act in every respect, whether such officer or person is or is not the holder of a writ of assistance; and in any suit or information, the averment that such person was so duly employed shall be *prima facie* proof thereof.

148. Every such officer or person as mentioned in the next preceding section, and every sheriff, justice of the peace, or person residing more than ten miles from the residence of any officer of Customs, and thereunto authorized by any collector of Customs or justice of the peace, may, upon information, or upon reasonable grounds of suspicion, detain, open and examine any package suspected to contain prohibited property or smuggled goods, or goods respecting which there has been any violation of any of the requirements of this Act, and may go on board of and enter into any vessel or vehicle of any description whatsoever, and may stop and detain the same, whether arriving from places beyond or within the limits of this Colony, and may rummage and search all parts thereof for such goods; and if any such goods are found in any such vessel or vehicle, the officer or person so employed may seize and secure such vessel or vehicle, together with all the sails, rigging, tackle, apparel, horses, harness, and all other appurtenances which at the time of such seizure belonged to or are attached to such vessel or vehicle with all goods and other things laden therein or thereon, and the same shall be seized and forfeited.

149. Any officer of Customs, or person by him authorized, may search any person whom he may have reasonable cause to suspect of having uncustomed or prohibited goods secreted about his person.

- (1.) Whoever obstructs or offers resistance to such search or assists in so doing, shall incur a penalty of one hundred dollars.
- (2.) Any person suspected as aforesaid may be questioned by such officer, whether he has any such goods about his person, and if he denies having any such goods, or does not produce such as he may have, and any such goods are found upon him on being searched, the goods shall be forfeited, and he shall forfeit double the value thereof.
- (3.) Before any person can be searched as aforesaid, such person may require the officer to take him before some Justice of the Peace, or before the collector or chief officer of Customs at the place, who shall, if he sees no reasonable cause for search, discharge such person; but, if otherwise, he shall direct such person to be searched, and if a female, she shall not be searched by any but a female; and any such Magistrate, Justice of the Peace or collector of the Customs, may, if there is no female appointed for such purpose, employ and authorize a suitable female person to act in any particular case or cases.

(4.) Any officer required to take any person before a Justice or chief officer as aforesaid, shall do so with all reasonable despatch. If any officer requires any person to be searched, without reasonable cause for supposing that he has uncustomed or prohibited goods about his person, such officer shall forfeit and pay a sum not exceeding forty dollars.

150. The Postmaster General or any postmaster by him to that effect duly authorised, may detain any post letter, or other article of mail matter, suspected to contain any contraband goods, wares, or merchandize, or any goods, wares or merchandize on the importation of which into this Colony, any duties of Customs are by law payable, and suspected to have been enclosed therein, and sent by post to evade payment of such duties, and forward the same to the nearest collector, who, in the presence of the person to whom the same may be addressed, or in his absence, in case of non-attendance after due notice in writing from such collector, requiring his attendance, left at or forwarded by the post, according to the address on the letter or other article of mail matter, may open and examine the same; and if, upon any such examination, any contraband goods, wares or merchandize, or any goods, wares or merchandize, on the importation of which into this Colony any duties of Customs are payable, are discovered, such collector may detain the letter or other article of mail matter and its contents for the purpose of prosecution or forfeiture; and if no contraband goods, wares, or merchandize or dutiable goods, wares or merchandize, are discovered in such letter or other article of mail matter, it shall, if the party to whom it is addressed be present, be handed over to him on his paying the postage (if any) charged thereon, or if he is not present, it shall be returned to the post office and be forwarded to the place of address.

151. Any officer of Customs, having first made oath before a Justice of the Peace that he has reasonable cause to suspect that goods liable to forfeiture are in any particular building or in any yard or other place, open or enclosed, may, with such assistance as is necessary, enter therein at any time between six o'clock in the morning and six o'clock in the evening; but if the doors be fastened, admission shall be first demanded, and the purpose for which entry is required declared, when, if admission is not given, he may forcibly enter; and after in either case entry is made the officer may search the premises and seize all goods which he has reasonable grounds to believe are subject to forfeiture; and such acts may be done by an officer of Customs without oath or the assistance of a Justice of the Peace, in places where no Justice of the Peace resides, or where no Justice of the Peace can be found within two miles at the time of search.

152. Officers of Customs may board any vessel at any time or place and stay on board until all the goods intended to be unladen have been delivered; and they shall have free access to every part of the vessel, with power to fasten down hatchways, the forecastle excepted, and to mark and secure any goods on board; and if any place, box, or chest is locked, and the keys are withheld, the officer may open the same.

2. If any goods are found concealed on board they shall be seized and forfeited, and if any mark, lock or seal upon any goods on board is wilfully altered, opened or broken before the delivery of the goods, or if any goods are secretly conveyed away, or if hatchways fastened

down by the officer are opened by the master, or with his assent, the master shall incur a penalty of four hundred dollars, and the vessel may be detained until the said penalty is paid, or satisfactory security is given for the payment thereof; and unless payment is made within thirty days such vessel may, after the expiration of such delay, be sold to pay such penalty and any expenses incurred in detaining, keeping and selling the same.

153. If any master or owner or other person for the time being in charge of any vessel, or in charge of any cargo deposited in any warehouse in which any tidewaiter or other Customs officer lawfully is, shall refuse to supply for such tidewaiter or other officer suitable board, maintenance and accommodation, he shall incur a penalty not exceeding one hundred dollars, and in default of payment shall be liable to imprisonment for a period not exceeding one month, or both fine and imprisonment, and to satisfy such penalty with costs of procedure such vessel or cargo may be detained or seized, and, after thirty days from conviction, sold to satisfy the same; the balance, if any, after deducting such penalty and costs, may be returned to the owner or master, or person in charge as aforesaid.

154. Any judge of the Supreme Court of this Colony, shall grant a writ of assistance upon application made to him for the purpose by Her Majesty's Attorney General of this Colony or by the Receiver General or Assistant Collector of Customs, and such writ shall remain in force so long as any person named therein remains an officer of the Customs, whether in the same capacity or not.

155. Every writ of assistance granted before the coming into force of this Act, under the authority of Acts relating to the Customs now repealed, shall remain in force, notwithstanding such repeal, in the same manner as if such Acts had not been repealed.

156. Under the authority of a writ of assistance any officer of the Customs, or any person employed for that purpose, with the concurrence of the Governor in Council, expressed either by special order or appointment or by general regulation, may enter at any time in the day or night, into any building or other place within the jurisdiction of the Court from which such writ issues, and may search for and seize and secure any goods which he has reasonable grounds to believe are liable to forfeiture under this Act, and in case of necessity may break open any doors or any chests or other packages for that purpose.

157. Any officer or person in the discharge of the duty of seizing goods, vessels, vehicles or property liable to forfeiture under this Act may call in such lawful aid and assistance in the Queen's name, as is necessary for securing and protecting such seized goods, vessels, vehicles or property; and if no such prohibited, forfeited or smuggled goods are found, such officer or person, having had reasonable cause to suspect that prohibited, forfeited or smuggled goods would be found, shall not be liable to any prosecution, action or other legal proceeding on account of any such search, detention or stoppage.

PROTECTION OF OFFICERS.

158. No action, suit or proceeding shall be commenced, and no writ shall be sued out against, nor a copy of any process served upon any officer of the Customs or person employed for the prevention of smuggling for anything done in the exercise of his office or against

any person in possession of goods under authority of any officer of the Customs, so long as any proceeding for the enforcement of this Act in relation to the matter forming the ground of such action, suit, proceeding, writ or process is pending, nor until one month after notice in writing has been delivered to him, or left at his usual place of abode, by the attorney or agent of the person who intends to sue out such writ or process.

746 2. In such notice shall be clearly and explicitly contained the cause of the action, the name and place of abode of the person who is to bring such action, and the name and place of abode of the attorney or agent; and no evidence of any cause of such action shall be produced except of such as is contained in such notice, and no verdict or judgment shall be given for the plaintiff, unless he proves on the trial that such notice was given; and in default of such proof, the defendant shall receive a verdict or judgment and costs.

159. Any such officer or person against whom any action, suit or proceeding is brought on account of anything done in the exercise of his office, may, within one month after such notice, tender amends to the person complaining, or his agent, and plead such tender in bar to the action, together with other pleas; and if the Court or jury as the case may be, find the amends sufficient, judgment or verdict shall be given for the defendant; and in such case, or if the plaintiff becomes non-suited, or discontinues his action, or judgment is given for the defendant upon demurrer or otherwise, such defendant shall be entitled to full costs of defence:

2. The defendant, by leave of the Court in which the action is brought, may, at any time before issue joined, pay money into Court as in other actions.

160. Every such action, suit or proceeding shall be brought within three months after the cause thereof; and the defendant may plead the general issue, and give the special matter in evidence.

161. If in any such action, suit or proceeding, the court or judge before whom the action is tried certifies that the defendant in such action acted upon probable cause, the plaintiff in such action shall not be entitled to more than twenty cents damages nor to any costs of suit, nor in case of a seizure shall the person who made the seizure be liable to any civil or criminal suit or proceeding on account thereof.

2. No action, suit or proceeding shall be commenced against the Crown or against any officer of Customs or person employed for the prevention of smuggling, or against any person in possession of goods under authority of an officer of Customs, for the recovery of the thing seized, until a decision has been first given either by the Receiver General or by a court of competent jurisdiction in relation to the condemnation of the thing seized.

3. Every such action, suit or proceeding shall be brought within three months after such decision has been given.

162. The report, inwards or outwards, required by this Act may, in the case of any steam vessel carrying a purser, be made by such purser with the like effect in all respects and subject to the like penalty on the purser and on the vessel, and the like forfeiture of the goods in case of any untrue report, as if the report was made by the master; and the word "master" for the purposes of this section, shall be construed as including the purser of any steam vessel; but

nothing herein contained shall preclude the collector or other proper officer of Customs from calling upon the master of any steam vessel to answer all such questions concerning the vessel, passengers, cargo and crew, as might be lawfully demanded of him if the report had been made by him, or to exempt the master or the vessel from the penalties imposed by this Act for failure to answer any such question, or for answering untruly, or to prevent the master from making such report if he sees fit so to do.

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174. Goods claimed to be exempt from duty under any Act relating to duties of Customs, shall, in the entry thereof, be described and set forth in the words by which they are described to be free in the Act; and goods not answering such description shall be seized and forfeited, or if the collector deems it expedient, he may detain the goods, and report the case for the action of the Receiver General as provided in this Act.

175. If any vessel which has received damage puts into any port or place in this Colony to which she is not bound, having dutiable goods on board, which it is necessary to land for the purpose of repairing the vessel in order to enable her to proceed on her voyage, the collector, upon application of the master or agent, may permit such goods to be unladed and deposited in a warehouse in the custody of the collector; and the collector shall cause to be taken an exact account of the packages and contents; and entry of the goods shall then be made by the master or agent, as hereinbefore directed, and they shall remain in the custody of the collector until the vessel is ready for sea, when, upon payment of storage and the reasonable charges of unlading and storing, the collector shall deliver up the same to the master or agent to be exported or carried coastwise as the case may be, under the same security and regulations as if such goods had been imported in the usual manner, and without payment of duty.

176. No person shall be entitled to the benefit of the next preceding section who has sold any of such goods except such as it has been necessary to sell to defray the expenses of repairs and charges of the vessel, or as have been authorized by the collector of Customs to be sold; and if goods are sold for payment of repairs and charges they shall be subject to duty, and shall be warehoused or the duties thereon paid by the purchaser.

177. Fresh fish, of British catch, coin or bullion may be landed without entry or warrant, as may also goods in any stranded or wrecked vessel, provided they are duly reported and entered as soon as possible after being safely deposited on shore, and that the landing is in presence of an officer of the Customs or receiver of wreck or other person authorized to act as such receiver.

178. If a vessel which has live stock or perishable articles on board, arrives after business hours, the collector at the port may permit the master to unlade the same before report; but report shall in such case be made as soon as possible after the next opening of the Customs' office.

179. The surplus stores of vessels arriving in this Colony shall be subject to the same duties and regulations as if imported as merchandise; but if the owner or master desires to warehouse the same for

re-shipment for the future use of the vessel, the collector may permit him so to do, or if such stores are not landed, they may be sealed up.

180. The burden of proof that the proper duties payable
747 with respect to any goods have been paid, and that all the requirements of this Act with regard to the entry of any goods have been complied with and fulfilled, shall, in all cases, lie upon the person whose duty it was to comply with and fulfil the same.

181. Although any duty of Customs has been overpaid, or although after any duty of Customs has been charged and paid, it appears or is judicially established that the same was charged under an erroneous construction of the law, no such overcharge shall be returned after the expiration of three years from the date of such payment, unless application for re-payment has been previously made.

182. No refund of duty shall be allowed after the lapse of fourteen days from the time of entry, for any alleged misdescription of goods by the importer; and if any error of the kind is discovered by the importer while unpacking his goods, he shall immediately and without further interference with the goods, report the facts to the collector, in order that the same be verified.

183. No person, unless he is authorized by the Governor in Council, shall import any goods, wares or merchandize from any port or place out of this Colony in any vessel which has not been duly registered, and has not a certificate of such registry on board.

184. Whenever the collector of Customs at any port is satisfied that in such port, as well as in the adjacent city or town and its vicinity, there does not exist an extraordinary, infectious, contagious or epidemic disease, which could be transmitted by the vessel, her crew or cargo, he may grant to any vessel requiring a bill of health a certificate under his hand and seal, attesting the fact aforesaid, for which he shall be entitled to ask and receive a fee of one dollar.

ARTICLES SEIZED—HOW DEALT WITH.

185. If any goods, property or vehicle, subject or liable to forfeiture under this Act, or any other law relating to the Customs, are stopped or taken by any police or peace officer or any person duly authorized, such goods, property or vehicle except when otherwise directed by the Governor in Council or the Receiver General, shall be taken to the Custom house nearest to the place where the same were stopped or taken, and there delivered to the proper officer authorized to receive the same, within forty-eight hours after the same were stopped or taken.

186. If any such goods, property or vehicles are stopped or taken by such police or peace officer, on suspicion that the same have been feloniously stolen, such officer shall carry the same to the police office to which the offender is taken, there to remain until and in order to be produced at the trial of the said offender; and in such case the officer shall give notice in writing to the collector or principal officer of Her Majesty's Customs, at the port nearest to the place where such goods have been detained, of his having so detained the said goods, with the particulars of the same; and immediately after the trial, all such goods shall be conveyed to and deposited in the Custom house or other place appointed as aforesaid, and proceedings relative to the same shall be had according to law.

187. Whenever any vessel, vehicle, goods or thing have been seized or detained under any of the provisions of this Act or of any law relating to the Customs, or when it is alleged that any penalty or forfeiture has been incurred under the provisions of this Act or of any law relating to the Customs, the collector or the proper officer shall forthwith report the circumstances of the case to the assistant collector of Customs.

188. The assistant collector may thereupon notify the owner or claimant of the thing seized or detained, or his agent, or the person alleged to have incurred the penalty or forfeiture, or his agent, of the reason for the seizure, detention, penalty or forfeiture, and call upon him to furnish within thirty days from the date of the notice, such evidence in the matter as he desires to furnish; such evidence may be by affidavit or affirmation, made before any Justice of the Peace, any collector of Customs, any commissioner for taking affidavits in any court or any notary public.

189. After the expiration of the said thirty days, or sooner, if the person so called upon to furnish evidence so desires, the assistant collector may consider and weigh the circumstances of the case, and report his opinion, and recommendation thereon to the Receiver General.

190. The Receiver General may thereupon either give his decision in the matter respecting the seizure, detention, penalty or forfeiture, and the terms, if any, upon which the thing seized or detained may be released or the penalty or forfeiture remitted, or may refer the same to the court for decision.

191. If the owner or claimant of the thing seized or detained or the person alleged to have incurred the penalty does not, within thirty days after being notified of the Receiver General's decision, give him notice in writing that such decision will not be accepted the decision shall be final.

192. If the owner or claimant of the thing seized or detained, or the person alleged to have incurred the penalty, within thirty days after being notified of the Receiver General's decision, gives him notice in writing that such decision will not be accepted, the Receiver General may refer the matter to the court.

193. On any reference of any matter by the Receiver General to the court—the court shall hear and consider such matter upon the papers and evidence referred and upon any further evidence which the owner or claimant of the thing seized or detained, or the person alleged to have incurred the penalty, or the Crown, produces under the direction of the court, and shall decide according to the right of the matter; and judgment may be entered upon any such decision, and the same shall be enforceable and enforced in like manner as other judgments of the court.

194. The service of notice to produce evidence referred to in section one hundred and eighty-eight and of the Receiver General's decision referred to in sections one hundred and ninety-one and one hundred and ninety-two, shall be sufficient if it is effected by sending such notice by mail in a registered letter addressed to the owner

or claimant at his address, as stated in the report of the
748 seizure and the thirty days mentioned in the two sections last
cited shall be computed from the date of the mailing of such
notification.

195. Sales of goods forfeited or otherwise liable to be sold under this Act shall be by public auction, and after a reasonable public notice, and subject to such further regulations as are made by the Governor in Council; but in any case the Receiver General may order vessels, goods, vehicles or things forfeited to be disposed of as he sees fit, instead of being sold by public auction.

196. The proceeds, after deducting expenses, shall, unless it is otherwise provided, belong to Her Majesty for the public uses of this Colony, but the net proceeds or any portion thereof, may be divided between, and paid to the collector or chief officer of the Customs, at the port or place where the seizure was made, and the officer or officers by whom the seizure was made, or the information given which led to the seizure, and any person who has given information or otherwise aided in effecting the condemnation of the thing seized, in such proportions as the Governor in Council in any case or class of cases directs and appoints; but nothing herein contained shall be construed to limit or affect any power vested in the Governor in Council or the Receiver General to make and ordain any other plan or system for the re-distribution of such net proceeds, or with regard to the remission of penalties or forfeitures imposed by this Act or any other law.

197. Whenever information has been given under oath to any officer of Customs that goods or things have been unlawfully imported or entered, or whenever any goods have been seized or detained under any of the provisions of this Act or of any law relating to the Customs, the importer or exporter thereof, or the owner or claimant thereof, or any other person who may be or have been agent for either of them or of the consignor, shall, immediately upon being required so to do by a collector or other proper officer of Customs, produce and hand over all invoices, bills, accounts and statements of the goods so imported, entered, seized or detained, or of all other goods imported into this Colony by him at any time within six years preceding such request, seizure or detention; and shall also produce for the inspection of such collector or other officer, and allow him to make copies of, or extracts from, all books of account, ledgers, day-books, cash-books, letter-books, invoice books, or other books wherein any entry or memorandum appears respecting the purchase, importation, cost, value or payment of the goods so seized or detained and of all other goods as aforesaid.

198. If any person required under the next preceding section to produce and hand over invoices, bills, accounts and statements, or to produce for inspection books of account, ledgers, day-books, cash-books, letter-books, invoice-books and other books, or to allow copies or extracts to be made therefrom, neglects or refuses so to do, he shall incur a penalty not exceeding five thousand dollars.

2. Whenever any suit is instituted under the provisions of this Act or an Order of the Court is obtained, all invoices, accounts, books and papers relating to any imported goods, to which such suit or order relates, shall be produced in Court or to any person whom the Court directs, and if the same are not so produced within such time as the Court prescribes, the allegations on the part of the Crown shall be deemed to be proved, and judgment shall be given as in a case by default; but this provision shall not relieve the person disobeying

any such order from any other penalty or punishment which he may have incurred by disobedience of any such order.

199. Any collector or other proper officer of Customs may, as may also the Court, with the consent of the collector or other proper officer of Customs at the place where the things seized are, order the delivery thereof to the owner, on the deposit with the collector or other proper officer of Customs in money of a sum equal at least to the full duty paid value (to be determined by the collector or other proper officer of Customs) of the things seized and the estimated cost of the proceedings in the case; and any collector or other proper officer of Customs may receive from any person charged with any contravention of this Act, although no seizure of goods has taken place, a sum in money equal to the full amount of the penalty or forfeiture to which he may be liable for such contravention (to be determined by the collector or other proper officer of Customs) together with the estimated cost of the proceedings in the case.

2. Any sum or sums of money so deposited shall be immediately deposited in some bank appointed for that purpose by competent authority, to the credit of the Receiver General, there to remain until forfeited in due course of law or released by order of the Receiver General; and if such seized articles are condemned, or such penalty or forfeiture accrues to the Crown either by suit in a Court or by a decision of the Receiver General under this Act, the money deposited shall be forfeited.

3. Any sum or sums of money so deposited shall, unless the same is or are released as in the next preceding sub-section provided, become the property of Her Majesty for the public uses of this Colony, subject to the provisions of section one hundred and ninety-six of this Act; and no proceedings against the Crown for the recovery thereof shall be instituted except within six months from the date of the deposit thereof; and in any such proceedings the burden of proof that the goods in respect of which such deposit was made had been duly entered and that all the provisions of this Act had been complied with, and that no penalty or forfeiture had accrued in respect thereof, shall lie upon the person seeking recovery of the sum or sums so deposited and not upon the Crown.

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FORFEITURES AND PENALTIES.

202. If any person smuggles or clandestinely introduces into this Colony any goods subject to duty, or makes out or passes or attempts to pass through the Custom House any false, forged or fraudulent invoice, or in any way attempts to defraud the revenue by evading the payment of the duty, or of any part of the duty on any goods, such goods, if found, may be seized and forfeited; or if not found, but the value thereof has been ascertained, the person so offending shall forfeit the value thereof as so ascertained; and every such person, his aiders and abettors shall, in addition to any other penalty to

which he and they are subject for such offence, forfeit a sum
749 equal to the value of such goods, which sum may be recovered in any Court of competent jurisdiction, and shall further be liable on summary conviction before two justices of the peace, or any other magistrate having the powers of two justices of the peace, to a

penalty not exceeding two hundred dollars, and not less than fifty dollars, or to imprisonment for a term not exceeding one year, and not less than one month, or to both fine and imprisonment.

203. If any goods are unladen from any vessel or vehicle or put out of the custody of the master or person in charge of the same, before report is made as required by this Act, or if such master or person fails to make such report, or to produce such goods, or makes an untrue report or does not truly answer the questions demanded of him, he shall for each such offence incur a penalty of four hundred dollars; and if any such goods are not so reported and produced, or if the marks and numbers or other description of any package do not agree with the report made, such goods or package shall be seized and forfeited, and the vessel or vehicle and the animals drawing the same shall be detained until such amount is paid; and unless payment is made within thirty days, such vessel or vehicle and any animals drawing the same may, after the expiration of such delay, be sold to pay such penalty.

204. All goods unladen or landed before due entry thereof and warrant for landing, shall be seized and forfeited, and every person concerned in landing or receiving or concealing goods so landed shall for each offence, incur a penalty of four hundred dollars.

205. All goods shipped or unshipped, imported or exported, carried or conveyed, contrary to any regulation made by the Governor in Council, and all goods or vehicles and all vessels under the value of four hundred dollars, with regard to which the requirements of any such regulation have not been complied with, shall be forfeited and may be seized; and if such vessel is of or over the value of four hundred dollars, the master thereof shall, by such non-compliance, incur a penalty of four hundred dollars, and the vessel may be detained until the said penalty is paid; and unless payment is made within thirty days, such vessel may, after the expiration of such delay, be sold to pay such penalty, and any expenses incurred in making the seizure and keeping and selling such vessel; and any such forfeitures and penalties shall be recoverable and may be enforced in the same manner and before the same court and tribunal, as if incurred by the violation of any provisions of this Act.

206. All vessels with the guns, tackle, apparel and furniture thereof, and all vehicles, harness, tackle, horses and animals made use of in the importation or unshipping or landing or removal of any goods liable to forfeiture under this Act, shall be seized and forfeited: and every person who assists or is otherwise concerned in importing, unshipping, landing or removing, or in the harboring of such goods, or into whose hands or possession the same knowingly come, shall incur a penalty of two hundred dollars or a penalty equal to treble the value of such goods, at the election of the person who sue^s for the same; and the averment in any information, petition or pleading for the recovery of such penalty, that such person has elected to sue for the sum mentioned in the information, petition or pleading, shall be sufficient proof of such election, without any other evidence of the fact.

207. If any person knowingly harbors, keeps, conceals, purchases, sells or exchanges any goods unlawfully imported into this Colony (whether such goods are dutiable or not), or whereon the duties lawfully payable have not been paid, such goods, if found, shall be

forfeited, and may be seized. If such goods are not found, the person so offending shall forfeit the value thereof; and every such person, his aiders and abettors shall, in addition to any other penalty, forfeit a sum equal to the value of such goods, which may be recovered in any court of competent jurisdiction and shall further be liable, on summary conviction before two Justices of the Peace or any magistrate having the powers of two Justices of the Peace, to a penalty not exceeding two hundred dollars, and not less than fifty dollars or to imprisonment for a term not exceeding one year and not less than one month or to both fine and imprisonment.

208. If any two or more persons in company are found together, and they, or any of them, have any goods liable to forfeiture under this Act, every such person having knowledge of the fact, is guilty of a misdemeanor.

209. Every person who is proved to have been on board any vessel or boat liable to forfeiture for having been found within one league of the coasts or shores of this Colony, having on board or attached thereto, or conveying, or having conveyed anything subjecting such vessel or boat to forfeiture, or who is proved to have been on board any vessel or boat from which any part of the cargo has been thrown overboard or destroyed, or in which any goods have been unlawfully brought into this Colony, shall incur a penalty of one hundred dollars, if he has been knowingly concerned in such acts.

210. Every person who, by any means, procures, hires, or induces, any person or persons to be concerned in the landing, unshipping, carrying or conveying any goods, the importation of which is prohibited, or for the landing of which permission has not been granted by the collector or other proper officer of Customs, shall for every person so procured, hired, or induced, incur a penalty of one hundred dollars.

211. If any person makes, or sends, or brings into this Colony, or causes or authorizes the making, sending or bringing into this Colony, any invoice or paper, used or intended to be used as an invoice for Customs purposes, in which any goods are entered or charged at a less price or value, than that actually charged, or intended to be charged for them, or in which the goods are falsely described, no sum of money shall be recoverable by such person, his assigns or representatives, for the price of such goods or any part thereof, or on any bill of exchange, note or other security, unless in the hands of an innocent holder for value without notice, made, given or executed for the price of such goods of any part of such price.

212. The production or proof of the existence of any other invoice, account, document or paper made or sent by any person, or by his authority, wherein goods or any of them are charged or entered at or mentioned as being a greater price than that set upon them in any such invoice as in the next preceding section mentioned or in

which the goods are falsely described, shall be *prima facie* evidence that such invoice was intended to be fraudulently used for Customs purposes; but such intention, or the actual fraudulent use of such invoice, may be proved by any other legal evidence.

213. Every importer of goods into this Colony, and every person on his behalf, who presents or causes to be presented with intent to make entry thereunder, any false or fraudulent invoice, such as

described in the two sections next preceding, shall incur a penalty equal in amount to the value of the goods represented in such invoice, and the goods shall also be seized and forfeited.

214. If any entry passed at any Custom House is false in any particular to the knowledge of any person connected with the making thereof, all the packages and goods included or pretended to be included, or which ought to have been included in such entry, shall be forfeited.

215. If any warehoused goods are concealed in or unlawfully removed from any Customs warehouse in this Colony, such goods shall be seized and forfeited; and every person who conceals or unlawfully removes any such goods, or aids or abets such concealment or removal, shall incur the penalties imposed on persons illegally importing or smuggling goods into this Colony; and on the discovery of such concealment or removal, all goods belonging to the importer or owner of the concealed or removed goods, then remaining in the same or any other warehouse, shall be placed under detention until the duty payable on the goods so concealed or removed, and all penalties incurred by him have been paid; and if such duties and penalties are not paid within one month after the discovery of the concealment or removal of such goods, the goods so detained shall be dealt with in the same manner as goods unlawfully imported or smuggled into this Colony.

216. If the importer or owner of any warehoused goods, or any person in his employ, by any contrivance, opens the warehouse in which the goods are or gains access to the goods except in the presence of or with the express permission of the proper officer of the Customs, such importer or owner shall, for every such offence, incur a penalty of one hundred dollars.

217. Every person who, by any contrivance, gains access to bonded goods in a railway car, or to goods in a railway car, upon which goods the Customs' duties have not been paid, or delivers such bonded or other goods without the express permission of the proper officer of Customs, shall, for every such offence, be liable to imprisonment for a term not exceeding one year, and not less than one month.

218. Every person who wilfully alters, defaces or obliterates any mark placed by any officer of Customs on any package of warehoused goods, or goods in transit shall, for every such offence, incur a penalty of five hundred dollars.

219. Every person who makes any entry outwards of goods from warehouse for exportation, and who is not the owner or duly authorized by the owner thereof, or the master of the vessel by which they are to be shipped, shall incur a penalty of two hundred dollars.

220. Every person who counterfeits, falsifies, or uses when so counterfeited or falsified, any paper or document required under this Act, or for any purpose therein mentioned, whether written, printed or otherwise, or by any false statement procures such document, knowing the same to be so forged or counterfeited, or forges or counterfeits any certificate relating to any oath or declaration or affirmation hereby required or authorized, is guilty of a misdemeanor.

221. Every person who, whether pretending to be the owner or not, either secretly or openly, and whether with or without force or violence, takes or carries away any goods, vessel, vehicle, or other thing which have been seized or detained on suspicion, as forfeited

under this Act, before the same have been declared by competent authority to have been seized without due cause, and without the permission of the officer or person who seized the same or of some competent authority, shall be deemed to have stolen such goods, being the property of Her Majesty, and is guilty of felony.

222. Every person who, under any pretence, either by actual assault, force or violence, or by threats of such assault, force or violence, in any way resists, opposes, molests or obstructs any officer of Customs, or any person acting in his aid or assistance, in the discharge of his or their duty, under the authority of this Act, or any other law in force in this Colony relating to Customs, trade or navigation, or who wilfully or maliciously shoots at or attempts to destroy or damage any vessel belonging to Her Majesty, or in the service of this Colony, or maims or wounds any officer of the army, navy, marine or Customs, or any person acting in aid or assistance of such officer, while duly employed for the prevention of smuggling, and in execution of his or their duty, and every person who is found with any goods liable to seizure or forfeiture, under this Act, or any other law relating to Customs, trade or navigation, and carrying offensive arms or weapons, or in any way disguised—and every person who staves, breaks or in any way destroys any such goods, before or after the actual seizure thereof, or scuttles, sinks or cuts adrift any vessel, or destroys or injures any vehicle or animal, before or after the seizure, or wilfully and maliciously destroys or injures, by fire, or otherwise, any Custom house, or any building whatsoever in which seized, forfeited or bonded goods are deposited or kept, is guilty of felony.

223. Every master or person in charge of any vessel, and every driver or person conducting or having charge of any vehicle or conveyance who refuses to stop such vessel, vehicle or conveyance when required so to do, in the Queen's name, by an officer of Customs or person employed as such, and every person who is present at any such seizure or stoppage and who, when called upon in the Queen's name by such officer or person to aid and assist him in a lawful way, refuses so to do, shall be liable, on summary conviction before two Justices of the Peace to a penalty of two hundred dollars, and, in default of payment, to imprisonment for a term not exceeding six months.

224. If any person offers for sale any goods under pretence that the same are prohibited, or have been unshipped and run on shore, or brought in by land or otherwise, without payment of duties, all such goods, although not liable to any duties or prohibited, shall be seized and forfeited, and every person who offers the same for sale shall be liable, on summary conviction before two Justices of the Peace, to a penalty of two hundred dollars, or to a penalty equal to treble the value of such goods, at the election of the prosecutor, and, in default of payment, to imprisonment for a term not exceeding sixty days.

225. Every person required by this Act or by any other law
751 to answer questions put to him by any officer of the Customs,
who refuses to answer or does not truly answer such questions,
shall, in addition to any other penalty or punishment to which he is
liable, incur a penalty of four hundred dollars.

226. Every person who has in his possession, in port or on land, any goods derelict, flotsam, jetsam or wreck, and which are dutiable, and does not give notice thereof to the nearest officer of Customs without unnecessary delay, or does not on demand pay the duties thereon or deliver the same to the proper officer, shall incur a penalty of two hundred dollars in addition to all other liabilities and penalties incurred by him, and the goods shall be seized and forfeited; and every person who removes or alters in quantity or quality any such goods, or unnecessarily opens or alters any package thereof, or abets any such act, before the goods are deposited in warehouse under the custody of the Customs officers, shall in addition to all other liabilities and penalties incurred by him, incur a penalty of two hundred dollars.

227. Every police or peace officer who has detained any goods, property, or vehicle, subject or liable to forfeiture, and who neglects to convey the same to the Custom House, or to give notice of having stopped the same as herein prescribed, shall be liable, on summary conviction, to a penalty of one hundred dollars, and, in default of payment, to imprisonment for a term not exceeding thirty days.

228. Every collector or other officer of Customs who allows the payment of duties of Customs to be avoided or deferred for any cause or consideration whatsoever, except by regular entry for warehouse or by bond given under this Act, shall be liable to a penalty equal to the full value of such goods and the duty accruing thereon, which shall be recoverable in any court of competent jurisdiction, from him or his sureties, or either of them; and any goods on which payment of duty has been so avoided or deferred shall be liable to seizure and be dealt with as goods unlawfully imported into this Colony.

229. Every officer of the Customs and every person employed with the concurrence of the Governor in Council for the prevention of smuggling, who makes any collusive seizure, or delivers up, or makes any agreement to deliver up or not to seize any vessel, boat, carriage, goods or thing liable to forfeiture under this Act, or who takes or accepts a promise of any bribe, gratuity, recompense or reward for the neglect or non-performance of his duty, is guilty of a misdemeanor, and liable for every such offence to a fine of five hundred dollars and to imprisonment for a term not exceeding two years and not less than three months, and shall be incapable of serving Her Majesty in any office whatsoever; and every person who gives, offers or promises to give, or procure to be given, any bribe, recompense or reward to, or makes any collusive agreement with, any such officer or person as aforesaid, to induce him in any way to neglect his duty, or to conceal or connive at any act whereby the provisions of this Act or any law relating to the Customs, trade, or navigation may be evaded, is guilty of a misdemeanor, and liable for every such offence to a fine of five hundred dollars and to imprisonment for a term not exceeding two years and not less than three months.

PROCEDURE.

230. All offenses committed against this Act, and all penalties and forfeitures incurred thereunder, may be prosecuted, sued for, and recovered in the Court of Vice-Admiralty, or upon information, and without a jury in the Supreme Court, or before a Justice of the

Peace; but no penalty exceeding two hundred dollars shall be imposed by such justice, nor imprisonment for any term exceeding six months: Provided, that either party to such cause shall, in the Supreme Court, have the right, upon application, to have a jury for the trial thereof as in ordinary cases of felony or misdemeanor, according to the charge involved.

231. If any person shall feel himself aggrieved by any judgment or conviction of a Magistrate or Justice of the Peace, he shall have liberty to appeal to the then next sitting of the Supreme Court, provided notice of the same be given to the convicting magistrate within four days after such judgment or conviction shall have been made or given; and, if required by such magistrate, recognizance or other security, with or without sureties, shall be entered into to abide by the judgment of the Supreme Court thereon. -

232. No suit shall be commenced for the recovery of any penalty or forfeiture under this Act, except in the name of the principal officer appointed under this Act, or in the name of Her Majesty's Attorney or Solicitor General for this Colony, or within three years after the said offence has been committed, and in the information, declaration, statement of claim, or other proceeding, any number of charges for offences against this Act may be included against the same offender or offenders.

233. Any Judge of the Court in which any prosecution or suit is brought for the recovery or enforcement of any penalty or forfeiture as aforesaid, may, upon being satisfied by affidavit that there is reason to believe that the defendant will leave the Colony without satisfying such penalty or forfeiture, issue a warrant under his hand and seal for the arrest and detention in the common goal of the county, district or place, until he has given security before and to the satisfaction of such Judge, or some other Judge of the same Court, for the payment of such penalty, with costs, in case judgment is given against him.

234. In any declaration, information, statement of claim, or proceeding in any such prosecution or suit, it shall be sufficient to state the penalty or forfeiture incurred, and the Act and section of the Act, or the rule or regulation under which it is alleged to have been incurred, without further particulars; and the averment that the person seizing or suing was and is an officer of the Customs shall be sufficient *prima facie* evidence of the fact alleged, and no person shall be disqualified as a witness by reason of interest.

235. In every prosecution, information, suit or proceeding brought under this Act for any penalty, or to declare or enforce any forfeiture or upon any bond given under it, or in any matter relating to the Customs, or to trade or navigation, Her Majesty or those who sue for such penalty or forfeiture, or upon such bond, shall, if they recover the same, be entitled also to recover full costs of suit; and all such penalties and costs, if not paid, may be levied on the goods and chattels, lands and tenements of the defendant, in the same manner as sums recovered by judgment of the Court in which the prosecution is brought may be levied by execution, or payment thereof may be enforced by *capias ad satisfaciendum* against the person of the defendant under the same conditions and in like manner.

236. If in any case the Attorney General of this Colony is satisfied that the penalty or forfeiture was incurred without intended fraud, he may enter a *nolle prosequi* on such terms as he sees fit, which shall be binding on all parties; and the entry of such *nolle prosequi* shall be reported to the Receiver General with the reasons therefor.

237. In any prosecution, suit, or other proceeding for the recovery of any penalty or in respect of any forfeiture as aforesaid, or for any offence against this Act, or any other law relating to the Customs, or to trade or navigation, the averment that the cause of prosecution or suit arose, or that such offence was committed within the limits of any district, port or place, shall be sufficient evidence of the fact without proof of such limits, unless the contrary is proved.

238. If in any prosecution, information or suit respecting any seizure made under this Act, or any law relating to the Customs, decision or judgment is given for the claimant, and if the Judge or Court before whom the cause has been tried or brought, certifies that there was probable cause for seizure, the claimant shall not be entitled to any costs of suit, nor shall the person who made such seizure be liable to any action, indictment, or other suit or prosecution on account of such seizure; and if any action, indictment, or other suit or prosecution is brought against any person on account of his making or being concerned in the making of such seizure, the plaintiff, if probable cause is certified as aforesaid, shall not be entitled to more than twenty cents damages or to any costs, nor shall the defendant in such prosecution in such case be fined more than ten dollars.

239. If any prosecution or suit is brought for any penalty or forfeiture under this Act or any other law relating to the Customs or to trade or navigation, and any question arises as to the identity or origin of the goods seized, or as to the payment of the duties on any goods, or as to the lawful importation thereof, or as to the lawful lading or exportation of the same, or as to the doing or omission of any other thing by which such penalty or forfeiture would be incurred or avoided, the burden of proof shall lie on the owner or claimant of the goods, and not on the Crown, or on the person bringing such prosecution or suit.

240. All vessels, vehicles, goods and other things seized as forfeited under this Act, or any other law relating to Customs or to trade or navigation, shall be placed in the custody of the nearest collector, and secured by him, or if seized by any officer in charge of a revenue vessel, shall be retained on board thereof until her arrival in port, and shall be deemed and taken to be condemned, without suit, information or proceedings of any kind, and may be sold, unless the person in whose possession or custody they were seized, or the owner thereof or some person on his behalf, within one month from the day of seizure, gives notice in writing to the seizing officer or other chief officer of the Customs at St. John's, that he claims or intends to claim the same; and the burden of proof that such notice was duly given in any case shall lie upon the person so claiming.

241. Proceedings for the condemnation of the things seized may be commenced and prosecuted to judgment, even if no such notice has been given.

242. Whenever under any provision of this Act any penalty may be recovered or any forfeiture may be enforced by action, suit or proceeding, the seizure by an officer of Customs or person acting in his

aid of the goods in respect of which the penalty has been incurred or the forfeiture has accrued, shall be deemed to be a commencement of such action, suit or proceeding.

243. Every person who desires to claim anything seized after proceedings for condemnation thereof have been commenced, shall file his claim in the office of the Clerk of the Court; and such claim shall state the name, residence and occupation or calling of the person making it, and shall be accompanied by an affidavit of the claimant or his agent having a knowledge of the facts, setting forth the nature of the claimant's title to the thing seized.

244. Before any such claim can be filed the claimants shall give security to the satisfaction of the Court or a judge thereof by bond in a penal sum of not less than two hundred dollars, or by a deposit of money not less than that sum, for the payment of the costs of the proceedings for condemnation.

245. No claim to anything seized under this Act and returned into Her Majesty's Courts for adjudication shall be admitted, unless such claim be entered in the name of the owner, with his residence and occupation, nor unless oath to the property in such thing be made by the owner, or by his attorney or agent, by whom such claim shall be entered, to the best of his knowledge and belief; and any person making a false oath thereto shall be deemed guilty of a misdemeanor, and be liable to the pains and penalties to which persons guilty of a misdemeanor are ordinarily liable.

246. In all cases in which no fine, penalty or forfeiture is imposed or provided for by this Act for a breach or violation of any of the provisions thereof, all persons offending against the same in any way shall forfeit and pay a sum not exceeding two hundred dollars, to be recovered and appropriated in like manner as other fines and penalties are under this Act.

247. All seizures, prosecutions or suits for the recovery or enforcement of any of the penalties or forfeitures imposed by this Act, or any other law relating to the Customs, may be made or commenced at any time within three years after the offence was committed or the cause of prosecution or suit arose, but not afterwards.

248. An appeal shall lie from a conviction by any Magistrate, Judge, Justice or Justices of the Peace under this Act, in the manner provided by law from convictions in cases in summary conviction, on the appellant furnishing security by bond or by recognizance, with two sureties, to the satisfaction of such Magistrate, Judge, Justice or Justices of the Peace, to abide the event of such appeal.

753 249. If the appeal is brought by Her Majesty's Attorney General, or a collector or officer of the Customs, it shall not be necessary for him to give any security on such appeal.

250. In any case in which proceedings have been instituted in any Court against any vessel, vehicle, goods or things, for the enforcement of any penalty or forfeiture under this Act, or any law relating to the Customs, trade or navigation, the execution of any decision or judgment for restoring the thing to the claimant thereof shall not be suspended by reason of any appeal from such decision or judgment if the claimant gives sufficient security, approved of by the Court or a Judge thereof, to render and deliver the thing in question, or the full value thereof, to the appellant in case the decision or judgment so appealed from is reversed.

POWERS OF THE GOVERNOR IN COUNCIL.

251. The Governor in Council may from time to time and in the manner hereinafter provided, in addition to the other purposes and matters in this Act mentioned, make regulations for or relating to the following purposes and matters:

- (a.) For regulating and declaring what allowances shall be made for tare on the gross weight of goods.
- (b.) For declaring what shall be coasting trade, and how the same shall be regulated in any case or class of cases, and for relaxing or dispensing with any of the requirements of this Act as to vessels engaged in such trade, on any conditions which he sees fit to impose.
- (c.) For appointing places and ports of entry, and warehousing and bonding ports, and respecting the personal baggage of travellers coming into this Colony or returning thereto, or passing through any portion thereof.
- (d.) For regulating the importation of spirits, wine and malt liquors, or other goods which require to be weighed, gauged or tested for strength or quantity, and limiting or prescribing the kind and capacity of packages in which the same may be imported, and the conveyances by which, and the ports or places at which the same may be landed and entered.
- (e.) For authorizing the appointment of warehouses and regulations, the security which shall be taken from warehouse keepers, the forms and conditions subject to which goods are to be warehoused, the mode of keeping goods in warehouse, and of removing such goods therefrom, and the amount of warehouse rent or licence fees.
- (f.) For extending either by general regulation or by special order, the time for clearing warehoused goods, and for the transport of goods in bond from one port or place to another.
- (g.) For regulating the form in which transfers of goods in warehouse or bond from one person to another shall be entered.
- (h.) For exempting goods from duty as being the growth, produce or manufacture of the Dominion of Canada, if such exemption is provided for by any Act relating to Customs and for regulating the mode of proving such exemption.
- (i.) For transferring to the list of goods which may be imported into this Colony free of duty, any or all articles (whether natural products or manufactures) used as materials in Newfoundland manufactures; and any such materials transferred to the free list by such Order in Council shall be free of duty of Customs for the time therein appointed for that purpose.
- (j.) For granting a drawback of the whole or part of the duty paid on articles which have been used in Newfoundland manufactures, or for granting a certain specific sum in lieu of any such drawback.
- (k.) For prescribing the manner in which the proceeds of penalties and forfeitures shall be distributed.

- (l.) For authorizing the taking of such bonds and security as he deems advisable for the performance of any condition on which any remission or partial remission of duty, indulgence or permission is granted to any person, or any other condition made with such person in any matter relating to the Customs or to trade or navigation; and such bonds, and all bonds taken with the sanction of the Receiver General, expressed either by general regulation or by special order, shall be valid in law, and upon breach of any of the conditions thereof may be sued and proceeded upon in like manner as any other bond entered into under this Act, or any other law relating to the Customs.
- (m.) For regulating the trade between this Colony and St. Pierre and Miquelon in vessels under fifteen tons.
- (n.) For any other purpose for which by this Act, or any other law relating to the Customs or to trade or navigation, the Governor in Council is empowered to make orders or regulations.

And the Governor in Council may, if he deems it expedient, make general regulations in any matter in which he may make a special order; any such general regulation shall apply to each particular case within the extent and meaning thereof as fully and effectually as if the same referred directly to each particular case within the intent and meaning thereof, and the officers, functionaries and persons had been specially named therein.

252. The Governor in Council may, under regulations made for that purpose, allow on the exportation of goods which have been imported into this Colony, and on which a duty of Customs has been paid, a drawback equal to the duty so paid, with such deduction therefrom as is provided in such regulations; and in cases mentioned in such regulations and subject to such provisions as are therein made, such drawback, or a specific sum in lieu thereof, may be allowed on duty-paid goods manufactured or wrought in this Colony or its dependencies into goods exported therefrom as afore-
754 said; and the period within which such drawback may be allowed after the time the duty was paid shall be limited in such regulations.

253. The Governor in Council may interpret, limit or extend the meaning of the conditions upon which it is provided in any Act imposing duties of Customs that any article may be imported free of duty for special purposes or for particular objects or interests; and may make regulations either for declaring or defining what cases shall come within the conditions of such Act, and to what objects or interests of an analogous nature the same shall apply and extend, and may direct the payment or non-payment of duty in any such case, or the remission thereof by way of drawback if such duty has been paid.

254. The Governor in Council may make such regulations as are considered advisable for the appointment of sufferance wharves and warehouses, at which goods arriving by vessels in transit to other ports, or confined to certain days of departure, may be landed and afterwards stored before entry—such vessels being duly reported to the Custom House, and the collector's warrant for the purpose being

obtained—if such lading is effected between six o'clock in the morning and six o'clock in the evening on a day not being Sunday or a statutory holiday, and if the goods, on being so landed, are immediately stored in some such approved sufferance warehouse; and such goods shall be thereafter dealt with by the proper officer of Customs as prescribed by law; but nothing in this section shall affect any contract, express or implied, between the master or owner of any such vessel and the owner, shipper, or consignee of any such goods as aforesaid, or the rights or liability of any person under such contract.

2. The Governor in Council may make similar regulations for the appointment of sufferance warehouses, in which goods arriving by railway may be stored before entry—such goods having been duly reported to the collector or proper officer of Customs.

255. The Governor in Council may from time to time prohibit the exportation or the carrying coastwise of the following goods: arms, ammunition and gunpowder, military and naval stores, and any articles which the Governor in Council deems capable of being converted into or made useful in increasing the quantity of military or naval stores, or for purposes of hostility, or destruction in war, provisions or any sort of victual which may be used as food by man; and if any goods so prohibited are exported, carried coastwise, or by inland navigation, or water-borne, or laden in any railway carriage or other vehicle, for the purpose of being so exported or carried, they shall be seized and forfeited.

256. Any oath or declaration which the Governor in Council deems necessary to protect the revenue against fraud may, in any regulation made by him under this Act, be prescribed, and any person or officer may be authorized to administer the same; and by any such regulation a declaration may be substituted for an oath in any case in which an oath is required by this Act.

257. The Governor in Council may prescribe the forms of oaths required under this Act; such forms may, from time to time, be repealed or amended, and the forms of oaths authorized by statute or by the Governor in Council at the time of the coming into force of this Act shall continue to be the authorized forms until altered or dispensed with by the Governor in Council.

258. All general regulations made by the Governor in Council under this Act, shall have effect from and after the day on which the same are published in the *Royal Gazette*, or from and after such later day as is appointed for the purpose in such regulations, and during such time as is therein expressed, or if no time is expressed for that purpose, then until the same are revoked or altered.

259. The surplus, if any, of the proceeds of the sale of any vessel sold for any penalty over and above the amount of the penalty, and expense incurred, shall be paid to the owner of the vessel so sold, or to his lawful agent or other persons entitled thereto.

260. Chapter eight of the Consolidated Statutes (second series) entitled "Of the Customs, Warehouses, Distilleries, etc., " is hereby repealed.

No. 140.—1899, July 19: Newfoundland Statute, 62 and 63 Vict., Cap. 19.^a

An Act relating to light dues.

[Passed 19th July, 1899.]

Section.

1. Payment and amount of dues.
2. Certain vessels to pay only one-half rates.
3. Exemption of Labrador and other vessels.
4. Collection of dues; Commission.
5. Recovery of dues by action.
6. Rates and duties to be paid before entry.
7. Application of English Act.

Section.

8. Expense of survey.
9. Detention of vessel.
10. Obstruction of lights.
11. Penalty.
12. Removal of obstruction.
13. Compensation.
14. Rates already collected to be held to be legally collected.
15. Repeal.

Be it enacted by the Governor, the Legislative Council and the House of Assembly, in Legislative Session convened, as follows:—

1. Upon every merchant vessel or ship entering any port or place within this colony, other than coasting, sealing or fishing vessels, owned and registered in this colony, there shall be levied and paid once in every calendar year (but not oftener than once in three months) the following duty or rate per registered ton, that is to say:—At the rate of twenty-four cents per ton up to and including 500 tons, and twelve cents per ton additional on every ton over 500 up to and including 1,000 tons, and six cents per ton additional on every ton over 1,000 tons and up to and including 2,000 tons. On no ship or vessel shall a greater rate than two hundred and forty dollars be levied in any one calendar year, or oftener than once in three months.

2. Any vessel arriving in the port of St. John's for coal, food or supplies, or for repairs, and not bringing cargo for delivery in this colony, and not taking from this colony any cargo which such vessel did not bring into the colony, shall pay only one-half the light-dues provided by section one of this Act.

3. Upon vessels owned and registered in the colony, engaged in the Labrador, Bank and Coast fisheries, or in the local coasting trade, there shall not be levied or paid any rate or duty whatever under this Act while such vessels are not engaged otherwise than in the said fisheries or trade. Should any such vessel proceed on any other than a fishing voyage to any place outside this colony such vessel shall be liable to pay once in each calendar year (but not oftener than once in three months) the rate or duty of six cents per registered ton.

4. Sub-Collectors and Preventive Officers employed in the Customs' service of the country, and such other persons as the Minister of Finance and Customs may appoint, shall be entitled to demand, recover and receive the said rates and duties imposed by this Act, and the monies raised and levied under the provisions hereof shall be paid to the Minister of Finance and Customs, and there shall be allowed to the persons so collecting, such commission, not exceeding five per centum upon the amounts collected, as the Minister of Finance and Customs may direct.

^aAct now questioned by the United States: see Appendix, pp. 4-5.

5. On the non-payment by the master, or any person having charge of, or any owner of, any ship or vessel, of any rate or duty payable or incurred under this Act, such rate or duty shall and may be sued for and recovered in a summary manner, in the name of the Minister of Finance and Customs or other person authorised to receive the same, before a Stipendiary Magistrate or two Justices of the Peace within the district where the Customs' officer or other person so authorized may reside, together with all costs incurred, and shall be levied by warrant and distress of such Magistrate or Justices on the goods and chattels of the owner, or of the master or other person in charge of the respective ship or vessel, on account of which the said rate or duties shall respectively be payable.

6. Neither the Minister of Finance and Customs nor any officer of Customs shall admit to entry or clearance any ship or vessel subject and liable to the payment of any rates or duties, until the said rates and duties shall be paid to the person authorized to receive the same.

7. All tonnage dues upon foreign vessels shall be assimilated to and in conformity with the tonnage dues of British vessels; and such foreign vessels shall be measured according to rules specified in an Act of the Imperial Parliament, passed in the fifty-seventh and fifty-eighth years of the reign of Her present Majesty, known as the "Merchant Shipping Act, 1894."

8. When there is an increase of tonnage dues arising from such measurement, the expense of the measuring surveyor shall be borne by the Government of the colony, but when otherwise, by the owner or master of such vessel.

9. Any officer duly authorized by law to collect rates or dues under this Act may go on board any vessel, being within three miles of any part of the coasts of this colony, and stay on board while she remains in port or within such distance, and may, in addition to the powers and procedure prescribed in section 5 of this Act, bring into port and detain such vessel until payment or satisfaction of all light dues by law recoverable.

10. No building or erection shall be built or placed in such position as to obstruct or interfere in any manner whatever with the light exhibited in any lighthouse or beacon, or with the leading lights exhibited as guides to vessels entering the harbour of St. John's.

11. Any person acting in contravention of the provisions of the preceding section shall be liable to a penalty not exceeding forty dollars, to be recovered in a summary manner by the order and adjudication of a Justice of the Peace; and such penalty, with costs, may be levied by distress and sale of the goods and chattels of the offender by warrant under the hand of such justice, or the said offender may be committed to prison for a period not exceeding three months.

12. Any building or erection, contrary to the provisions of this Act, may be immediately removed by the Minister of Marine and Fisheries, and he may recover the cost of such removal, with costs of suit, in a summary suit for the same before any justice of the peace from any person so building or erecting such building or erection.

13. For the purpose of ascertaining the damage which may be occasioned to any person whose interests in any lands, houses, buildings, or other property, may be affected by carrying out or enforcing the provisions of this Act and providing compensation therefor, the same proceedings and remedies shall be had as are prescribed by section

163 of "The St. John's Municipal Act, 1892," so far as the same shall be applicable; and any compensation which may be awarded to such persons shall be paid out of the consolidated revenue of the colony.

14. It shall be held that any rates or dues levied and collected upon merchant ship or shipping as and for rates and dues under chapter 9 of the Consolidated Statutes of Newfoundland (second series), have been legally collected, and no action shall be brought or maintained in respect of any such rates or dues; despite any doubt which may exist as to the legality of such levy or collection.

15. Chapter 9 of the Consolidated Statutes of Newfoundland (second series), entitled "Of Light Dues and Light-houses," is hereby repealed.

756 No. 141.—1901, August 2: Newfoundland Statute, 1 Edward VII, Cap. 19.

An Act to amend "The Customs' Act, 1898."

[Passed 2nd August, 1901.]

Section.

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| 1. Repeal of Section 44 of "The Customs' Act, 1898," and substitution of section providing for bonding of goods in transit through Colony. | Section.
2. Amendment of section 19.
3. Amendment of section 107. |
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Be it enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:—

1. Section 44 of "The Customs Act, 1898," is hereby repealed and the following is substituted therefor:—

44. Upon the entry at any Customs' port, under the authority and with the sanction of the Collector or other proper officer of Customs at such port, and subject to such rules and regulations as are or may be made in that behalf under the authority of this Act, the importer may pass the goods on to any Customs' port in any other part of Newfoundland, or in transit through Newfoundland by way of any Customs' port of exit in Newfoundland, and he shall, by and upon the making of such entry, whether so expressed in such entry or not, become thereby bound to the performance of all the requirements of this Act, and of any rules and regulations, under a penalty equal to double the amount of the duty to which such goods are at the time subject; which penalty shall accrue on the commission of any act contrary to this Act, or to any rules or regulations, or on the omission to perform any act required to be performed in respect to such goods, in addition to any other penalties and forfeitures provided for by this Act, irrespective of the liability of the carrier under any bond or otherwise. To any goods so entered for transportation there shall, until such transportation is completed, or while such goods are in Newfoundland, or upon such goods being diverted from the designated route of transportation or transit, wherever or in whosesoever possession found, attach the Customs' claim for the payment of such double duty, which claim shall have precedence of the claims of all other persons thereon, of whatever nature, and may be enforced by sale or other proceedings.

2. Section 19 of said Act is hereby amended by striking out therefrom the words "section 18" and substituting in lieu thereof the words "section 30."

3. Section 107 of the said Act is hereby amended by striking out therefrom the words "section 100" and substituting in lieu thereof the words "section 101."

No. 142.—1902, April 22: Newfoundland Statute, 2 Edward VII, Cap. 25.

An Act to amend "The Customs' Act, 1898."

[Passed April 22, 1902.]

SECTION 1. Respecting report of vessel entering. **SECTION 2.** Respecting report of vessel clearing. **SECTION 3.** Penalty for default. **SCHEDULE A.** Passengers inwards. **SCHEDULE B.** Passengers outwards.

Be it enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:

1. The master of every vessel shall, at the time of making the report in writing to the collector, as provided in section 22 of "The Customs' Act, 1898," in addition to the same, furnish the collector with a further report in writing of the number, names and additions of passengers on board such vessel. Such report shall be in the form of Schedule A. to this Act.

2. The master of every vessel shall, at the time of making the report in writing to the collector, as provided in section 96 of "The Customs' Act, 1898," in addition to the same, furnish the collector with a further report in writing of the number, names and additions of passengers on board or about to embark on such vessel. Such report shall be in the form of Schedule B. to this Act.

3. For every default in furnishing the reports in this Act provided, the master of any vessel shall be liable to a penalty not exceeding two hundred dollars.

* * * * *

757 No. 143.—1905, June 15: Newfoundland Statute, 5 Edward VII, Cap. 4.^a

An Act respecting foreign fishing vessels.

[Passed June 15th, 1905.]

Section.

1. Justices and others may board and bring into port foreign fishing vessels; in certain cases such vessels shall be forfeited.
2. Vessels may be secured by officer; penalty for interference.
3. Evidence of violation of Act.
4. Offenders may be prosecuted before a Stipendiary Magistrate.

Section.

5. Appeal.
6. No proceeding to be quashed for want of form.
7. Saving Treaty rights.
8. Power to suspend Act.
9. Interpretation.
10. Repealing section.

^aAct now questioned by the United States. (See Appendix, pp. 4-5.)

Be it enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:—

1. Any Justice of the Peace, Sub-Collector, Preventive Officer, Fishery Warden or Constable, may go on board any foreign fishing vessel being within any port on the coasts of this Island, or hovering in British waters within three marine miles of any of the coasts, bays, creeks or harbours in this Island, and may bring such foreign fishing vessel into port, may search her cargo and may examine the master upon oath touching the cargo and voyage; and the master or person in command shall answer truly such questions as shall be put to him under a penalty not exceeding five hundred dollars. And if such foreign fishing vessel has on board any herring, caplin, squid, or other bait fishes, ice, lines, seines, or other outfit or supplies for the fishery, purchased within any port on the coasts of this Island or within the distance of three marine miles from any of the coasts, bays, creeks, or harbours of this Island, or if the master of the said vessel shall have engaged, or attempted to engage, any person to form part of the crew of the said vessel in any port or on any part of the coasts of this Island, or has entered such waters for any purpose not permitted by treaty or convention for the time being in force, such vessel and the tackle, rigging, apparel, furniture, stores and cargo thereof shall be forfeited.

2. All goods and vessels, and the tackle, rigging, apparel, furniture, stores and cargo thereof, liable to forfeiture under this Act, may be seized and secured by any officer or person mentioned in the first section hereof, and every person opposing any such officer or person in the execution of his duty under this Act, or aiding or abetting any other person in such opposition, shall be deemed guilty of a misdemeanour and liable to a fine of five hundred dollars.

3. In any prosecution under this Act, the presence on board any foreign fishing vessel in any port of this Island, or within British waters aforesaid, of any caplin, squid, or other bait fishes, of ice, lines, seines, or other outfit or supplies for the fishery, shall be *prima facie* evidence of the purchase of the said bait fishes and supplies and outfit within such port or waters.

4. All offenders against the provisions of this Act may be prosecuted and convicted, and all fines, forfeitures, penalties, and other punishments imposed, recovered and made in a summary manner before a Stipendiary Magistrate, and any vessel, and the tackle, rigging, apparel, furniture, stores and cargo thereof liable to forfeiture under the provisions of this Act, may be sued for, prosecuted, recovered and condemned in a summary manner before a Stipendiary Magistrate in a proceeding against the master or other person in charge of such vessel. For the purposes of this Act all Stipendiary Magistrates shall be deemed to be Stipendiary Magistrates for the Colony, and may exercise the jurisdiction given by this Act in any part of the Colony.

5. If any person convicted under this Act shall feel himself aggrieved by such conviction, he may appeal therefrom to the then next sitting of His Majesty's Supreme Court, holden in or nearest the place where such conviction shall have been had, or in St. John's: Provided notice of such appeal, and of the cause and matter thereof, be given to the convicting Magistrate, in writing, within seven days next after such conviction, and the party desiring to appeal shall also,

within fourteen days after such notice, give and enter into recognizance with two approved sureties before the convicting Magistrate, conditioned for the appearance of the person convicted at such next sitting of the Supreme Court, on the first day of such sitting, for the prosecution of the appeal with effect and without delay, to abide the judgment of the Court thereon, and for the delivery and surrender of any vessel or other property ordered to be confiscated, and to pay such costs as the Court may award.

6. No proceeding or conviction by, nor order of, any Magistrate or other officer under this Act, shall be quashed or set aside for any informality; provided the same shall be substantially in accordance with the intent and meaning of this Act.

7. Nothing in this Act shall affect the rights and privileges granted by Treaty to the subjects of any State in amity with His Majesty.

8. The Governor in Council may at any time, by proclamation, suspend the operation of this Act for such period as may be expedient and as shall be declared in such proclamation.

9. In this Act the word "vessel" shall include any boat or ship registered or not registered, jack, skiff, punt or launch, whether propelled by sails, oars or steam.

10. The Act 56 Vic., cap. 6, entitled "An Act respecting Foreign Fishing Vessels," is hereby repealed.

758 No. 144.—1906, May 10: Newfoundland Statute, 6 Edward VII, Cap. 1.

An Act respecting Foreign Fishing Vessels.

[Passed 10th May, 1906.]

Section.

1. Power of officers to board and search foreign vessels.
2. Penalties for offences.
3. Respecting seizure of vessels and penalty for obstructing officers.
4. Evidence of offence committed.
5. Certain aliens not entitled to fish.
6. British subject not to fish in foreign vessel.
7. Residents not to leave Colony to fish in foreign vessels.
8. Residents not to sell or hire fishery gear.

Section.

9. Penalty.
10. Procedure.
11. Appeal.
12. Informality no ground for setting aside proceedings.
13. Foreign vessels exercising Treaty rights amenable to local laws.
14. Saving all Treaty rights.
15. Governor in Council may limit or suspend Act.
16. Interpretation.
17. Repealing section.
18. Suspending section.

Be it enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:—

1. Any Justice of the Peace, Sub-Collector, Preventive Officer, Fishery Warden, or Constable, may go on board any foreign fishing vessel being within any port on the coasts of this Colony, or hovering in British waters within three marine miles of any of the coasts, bays, creeks, or harbours in this Colony, and may bring such foreign fishing vessel into port, may search her cargo, and may examine the master upon oath touching the cargo and voyage, and the master or person in command shall answer truly such questions as shall be put to him, under a penalty not exceeding five hundred dollars.

2. If any foreign fishing vessel be found within any port on the coasts of this Colony, or hovering in British waters within three marine miles of any of the coasts, bays, creeks, or harbours in this Colony, and having on board any herring, caplin, squid, or other bait fishes, ice, lines, seines, or other outfit or supplies for the fishery, purchased within any port on the coasts of this Colony or within the distance of three marine miles from any of the coasts, bays, creeks, or harbours of this Colony; or if the master, owner or agent of the said vessel shall have engaged, or attempted to engage, any person to form part of the crew of said vessel in any port, or on any part of the coasts of this Colony, or has entered such waters for any purpose not permitted by treaty or convention for the time being in force, the master, owner or agent shall be liable to a penalty not exceeding one hundred dollars, or such vessel and the tackle, rigging, apparel, furniture, stores and cargo thereof shall be forfeited, as the Magistrate before whom the proceedings is taken shall determine.

3. All goods and vessels, and the tackle, rigging, apparel, furniture, stores and cargo thereof, liable to forfeiture under this Act, may be seized and secured by any officer or person mentioned in the first section hereof, and every person opposing any such officer or person in the execution of his duty under this Act, or aiding or abetting any other person in such opposition, shall be deemed guilty of a misdemeanor and liable to a fine of five hundred dollars.

4. In any prosecution under this Act, the presence on board any foreign fishing vessel in any port of this Colony, or within British waters aforesaid, of any caplin, squid, or other bait fishes, of ice, lines, seines, or other outfit or supplies for the fishery, shall be *prima facie* evidence of the purchase of the said bait fishes and supplies and outfit within such port or waters.

5. No alien, not so entitled by treaty or convention for the time being in force, shall fish in the waters of this Colony; and the master, owner, or agent of any fishing vessel who permits any alien not so entitled to fish in, from, or for such vessel, shall be liable to a penalty not exceeding one hundred dollars, or to the forfeiture of such vessel, as the Magistrate shall determine.

6. No person, being a British subject, shall fish in, from, or for a foreign fishing vessel in the waters of this Colony, and the master, owner, or agent of any foreign fishing vessel who permits any such British subject to fish in, for, or from such vessel, shall be liable to a penalty not exceeding one hundred dollars, or to the forfeiture of such vessel as the Magistrate shall determine.

7. No person, being a resident of this Colony, shall leave this Colony for the purpose of engaging in foreign fishing vessels which are fishing or intending to fish in the waters of this Colony, under a penalty not exceeding one hundred dollars.

8. No person, being a resident of this Colony, shall sell, let, hire, lend or remove from this Colony, for the purpose of selling, letting, hiring, or lending to a master, owner or agent of any foreign fishing vessel any boats, nets, or gear, under a penalty not exceeding one hundred dollars; nor shall the master, owner or agent of any foreign fishing vessel buy, hire, or borrow, in any port or place in this Colony, or in the waters of this Colony, any boats, nets, or fishing gear, from any person resident in this Colony, under a penalty for each offence not exceeding one hundred dollars.

9. The master of any vessel who conveys any person resident in the Colony outside the waters of this Colony, for the purpose of enabling such person to be engaged on board any foreign fishing vessel, shall be liable to a penalty not exceeding one hundred dollars.

759 10. All offenders against the provisions of this Act may be prosecuted and convicted, and all fines, forfeitures, penalties, and other punishments imposed, recovered and made in a summary manner before a Stipendiary Magistrate; and any vessel, and the tackle, rigging, apparel, furniture, stores and cargo thereof, liable to forfeiture under the provisions of this Act, may be sued for, prosecuted, recovered and condemned in a summary manner before a Stipendiary Magistrate in a proceeding against the master or other person in charge of such vessel. For the purposes of this Act all Stipendiary Magistrates shall be deemed to be Stipendiary Magistrates for the Colony, and may exercise the jurisdiction given by this Act in any part of the Colony.

11. If any person convicted under this Act shall feel himself aggrieved by such conviction, he may appeal therefrom to the then next sitting of His Majesty's Supreme Court, holden in or nearest the place where such conviction shall have been had, or in St. John's: Provided notice of such appeal, and of the cause and matter thereof, be given to the convicting magistrate in writing within seven days next after such conviction, and the party desiring to appeal shall also, within fourteen days after such notice, give and enter into recognizance, with two approved sureties, before the convicting magistrate, conditioned for the appearance of the person convicted at such next sitting of the Supreme Court, on the first day of such sitting, for the prosecution of the appeal with effect and without delay, to abide the judgment of the Court thereon, and for the delivery and surrender of any vessel or other property ordered to be confiscated, and to pay such costs as the Court may award.

12. No proceeding or conviction by, nor order of, any Magistrate or other officer under this Act shall be quashed or set aside for any informality; provided the same shall be substantially in accordance with the intent and meaning of this Act.

13. All foreign fishing vessels exercising rights under any Treaty or Convention shall be amenable to all the laws of the Colony not inconsistent with any such rights under treaty or convention.

14. Nothing in this Act shall affect the rights and privileges granted by treaty to the subjects of any State in amity with His Majesty; and sections 1 and 4 hereof shall not be held to apply to any foreign fishing vessels resorting to the waters of this Colony for the exercise of treaty rights.

15. The Governor in Council may at any time by proclamation suspend or limit the operation of this Act, as to the whole Act or any part thereof, and in relation to the whole Colony, or any district or parts thereof, and as to all or any classes of persons, and for any period as shall be expedient and as may be declared in such proclamation.

16. In this Act the word "vessel" shall include any boat or ship, registered or not registered, jack, skiff, punt, or launch, whether propelled by sails, oars or steam.

17. The Act 5 Ed. VII., cap 4, entitled "An Act respecting Foreign Fishing Vessels," is hereby repealed.

18. This Act shall come into operation upon a day to be appointed for that purpose, by proclamation of the Governor, to the effect that the same has been approved and confirmed by His Majesty in Council.

No. 145.—1907, March 26: Extract from Newfoundland Statute, 7 Edward VII, Cap. 28.

An Act to amend “The Customs’ Act, 1898.”

[Passed 26th March, 1907.]

Section.

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| 1. Amendment of section 109 of the Customs’ Act, 1898. | 3. Amendment of section 49 of the Customs’ Act, 1898. |
| 2. Respecting the determination of the dutiable value of goods in certain cases. | |

Be it enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:—

1. Section 109 of “The Customs’ Act, 1898,” is hereby amended by striking out therefrom the words “or coasting trade,” wherever the same shall occur in the said section.

* * * * *

760 No. 146.—1908: Rules and Regulations under Newfoundland Statute, 61 Vict., Cap. 3.^a

Rules and Regulations respecting the fisheries of the colony, made by the governor-in-council, under and by virtue of the provisions of the Act 61 Victoria, Cap. 3, entitled “An Act respecting the Department of Fisheries.”

PART 1.—LOBSTER FISHERY.

1. (Amended.) No person shall engage in the business of canning lobsters, at any place in the Island of Newfoundland, without having previously taken out an annual license, which shall be numbered and issued before the fishery begins.

2. (As amended.) The Superintendent of Fisheries shall, on a written application, issue such licenses. Written applications for licenses may be posted to the Superintendent of Fisheries in St. John’s, and shall be in the following form, viz.:

I, , residing , in the district of , do hereby apply for a license to be granted to me for canning lobsters at my factory or plant, situate at , in the district of during the ensuing season, subject to the rules and regulations respecting the lobster fishery.

Date , 190 .

[Name of applicant.]

3. No fee shall be charged for such license.
4. (Cancelled.)

^a Now questioned by the United States: see Appendix, pp. 4–5.

5. The said license shall be in the following form, viz.:

Newfoundland,
District of

By virtue of the power vested in me under the rules and regulations respecting the lobster fishery, made in pursuance to an Act passed in the sixty-first year of the reign of Her late Majesty, entitled "An Act respecting the Department of Marine and Fisheries," I, _____ of _____, do hereby license _____, residing at _____, in the district of _____, to engage in the business of canning lobsters at the factory or plant situate at _____, in the district of _____ for the current year from the date hereof, subject to the rules and regulations thereof.

Given under my hand, at _____, in the district of _____, this day of _____, A. D. 1900.

6. (As amended.) No person shall kill, take, catch, sell, or can any lobsters on that portion of the coast from Cape Race to Cape Ray, before the 20th day of April, or after the 24th day of July; nor from Cape Ray to Cape Gregory before the 20th day of April or after the 31st day of July; nor from Cape Gregory to Flower's Cove before the 10th day of May or after the 20th day of August; nor from Cape Race north to Cape John before the 10th day of May or after the 1st day of August; nor from Cape John to Flower's Cove before the 1st day of May or after the 10th day of August, in any year.

7. No trap or trap-mooring shall be placed in the waters on any lobster ground for more than three days before the dates respectively prescribed as above for the commencement of the fishing season, and all traps and moorings shall be taken up within three days after the dates respectively prescribed as above for the closing of the fishery season.

8. The two undermost laths on each side of every lobster trap used in the fisheries of Newfoundland shall be placed not less than one and one-half inches apart.

9. (As amended.) No person shall spear or hook lobsters or use hand-traps in the waters of this colony, nor shall any person purchase, can, or in any way use or export lobsters so taken.

10. The owner or manager of every canning factory or plant shall at the end of each season, and not later than ten days after the closing of the factory or plant, send in a return to the Marine and Fisheries Department, showing the number of fishermen and smackmen employed, the number of lobster traps used, the number of persons of each sex employed in such factory or plant, and the number of cases and of lobsters packed during the season. Any person failing to do this, or making a false return, shall be guilty of a violation of these rules.

11. It shall be the duty of all justices, sub-collectors, fishery wardens, preventive officers and constables, to aid in carrying out these rules and regulations, and the owner or manager of any lobster canning factory or plant shall, on demand, produce his license to any justice, fishery warden, sub-collector, preventive officer or constable, and upon his refusing to produce such license, or upon 761 his obstructing such officer in the discharge of his duty, the said owner or manager shall be held to be guilty of a violation of these rules.

12. (Cancelled.)

13. (Cancelled.)

14. (As amended.) No person shall kill, catch, take, trap, buy, sell or can, or have in his possession any female lobster carrying spawn, or any lobster less than eight inches in length.

15. The Department of Marine and Fisheries may refuse at any time to issue a license to any person who has violated one or more of these rules.

16. The setting of lobster traps before the first day of June, in any year, in the western waters of Placentia Bay, within the undermentioned limits, is prohibited, namely, Little Placentia, inside a line drawn from Virgin's Point to North Bill of Isaac's, and Ship Harbor, inside of a line drawn from Dick George's Head to Sparrow's Point.

17. In the packing of lobsters only fresh boiled lobsters of lawful size shall be used to fill cans. Each whole tin shall contain sixteen ounces of meat, and each half-tin eight ounces.

18. (As amended.) Every packer or canner of lobsters shall cause to be attached to every can packed by him, a paper label not less than one inch long and three-quarters of an inch wide, which label shall contain, printed in clear and distinct figures, the number corresponding to the number of the Lobster License of such packer. The said label shall be attached and pasted on each can firmly and securely. Any person in this Colony selling or purchasing or exporting, or being in any way a party to any transaction in the nature of a sale or purchase or export of any can containing lobsters without such label as above described shall be deemed guilty of an offence against these rules and regulations.

The labels shall be issued, upon application, by the Department of Marine and Fisheries. The cost to be fixed by the Department, and defrayed by the Licensee.

No labels other than those obtained from the Department of Marine and Fisheries shall be used.

(Added.) Whenever the Minister or Deputy Minister of Marine and Fisheries has reason to suppose that lobsters are being shipped or disposed of, contrary to the Provisions of these Rules and Regulations, the Minister or Deputy Minister of Marine and Fisheries may cause the cases, packages or other covering in which such lobsters are packed, to be opened and examined by anyone authorized in writing by the said Minister or Deputy Minister.

HERRING FISHERY.

19. Herring may be caught in nets or hauled in seines, and other contrivances, under the conditions and in the manner prescribed by these rules, and not otherwise.

20. No herring trap shall be used in the waters of the district of Placentia and St. Mary's or Fortune Bay. No purse seine shall be used in the waters of Newfoundland.

21. Unless otherwise provided, no person shall use a seine for the purpose of catching herring in any of the waters of Newfoundland, except exclusively for bait and for immediate use for that purpose in the fisheries, between the 1st day of April and the 1st day of August in any year.

22. (As amended.) Barring herring by any method is prohibited in all parts of the waters of Newfoundland, and in every case where a seine is used for the purpose of taking herring, it shall be hauled

and tucked forthwith into the boat or boats, and not from the shore or strand, except when wanted exclusively for bait.

23. No person shall catch or take herring in a seine between the hours of twelve o'clock on Saturday night and twelve o'clock on Sunday night, under a penalty not exceeding one hundred dollars.

24. In the district of Twillingate the use of herring traps is forbidden. The use of seines or other contrivance, save stationary nets, for the capture of herring, is prohibited in the waters of Gut Arm, Too-Good's Arm, Golsen's Arm, Pike's Arm, and Cobb's Arm, in the vicinity of Herring Neck; and in Friday Bay from Lobster Harbor west to Muddy Cove, Tizzard's Harbor, and from thence inside a straight line to Moor's Point; provided that herring may be taken at any time and by any means for bait purposes and for immediate use for these purposes in the fisheries.

25. No herring seine or herring trap shall be used for the purpose of taking herring on that part of the coast from Cape LaHune on the West Coast, and running by the West and North through the Straits of Belle Isle to Cape John.

26. No person shall use a seine for the purpose of catching herring in the waters of Placentia Bay, except exclusively for bait, and for immediate use for that purpose in the fisheries, between the 1st day of March and the 31st day of May in any year, in those portions of the waters of Placentia Bay which are enclosed by a line drawn from Placentiaman's Point, on the mainland, to Maggoty Cove Point in Sound Island, and by a line drawn from South Island Point, on the Southern side of Sound Island, to Hardy's Cove, Woody Island to the Western Point, and thence in a straight line to LaPlante on the mainland. All vessels coming to Sound Island for the purpose of catching or purchasing herring shall remain at anchor below the North-Eastern Point of Sound Island (Bloody Point).

27. In case a seine has been shot around a shoal of herring, and nets have been placed in such a position as to prevent the hauling of such seine, the owner of such nets shall remove his nets on demand of the seine owner or his agent; and if the owner of the nets be not present, or shall refuse to remove such nets when required, the owner of the seine or his agent may remove such nets, or haul the nets shoreward with the seine, but in such case the owner of the seine shall compensate the owner of the nets for any damage done to the nets, and shall return the quantity, or pay the value of such herring as may be in the nets.

762 28. When any person has commenced to shoot his seine no other person shall place or set any other fishing gear, net or other contrivance within such space the said seine is about to encompass.

29. In the shooting of seines the first person who throws out his rope and shoots, and continues to shoot his seine, shall be entitled to the sweep, and any person obstructing or preventing such person from so shooting, shall be guilty of an offence against these rules.

30. In case two seines shall be shot at the same time, and one seine shall be inside of the other, and herring be taken in both seines, the catch shall belong equally to both owners; but in case herring be taken only in one seine, the owner of the other seine shall have no claim to any portion of the catch.

31. In case two or more seiners shall shoot their seines at the same time, so as to form one circle, and neither secures his catch separately, the catch shall be equally divided.

32. When herring have been removed from a seine, such seine shall, within six hours thereafter, be taken out of the water, provided that the weather does not interfere with such removal; and in case such empty seine interferes with the mooring or operations of any other seine, such empty seine shall be forthwith removed by the owner.

33. Any person interfering with or obstructing the owner of a seine in the hauling or tucking thereof, or by rowing or making any kind of noise, or otherwise wilfully frightening herring from a seine, shall be guilty of an offence against these rules.

34. No person shall set any net so close to any seine as to stand over the mooring of such seine, and no person shall set his nets in such a manner as to submerge the nets of any other person.

35. Any person injuring or destroying the gear, nets, seines or other contrivances of any other person, or wilfully or illegally interfering with and destroying the catch of any other person, shall be guilty of an offence against these rules. The penalty for such offence shall be in addition to, and shall not be held to take away or affect any other remedy to which the injured party may be entitled.

36. In case fishing gear becomes so entangled that it cannot be cleared without injury, such gear may be taken on shore and the owners thereof shall aid and assist in the clearing of the same with as little injury as possible to the property of each other.

37. In case any person, in getting his gear out of water, is compelled to cut the rope of another person, such rope shall be securely tied before the same is dropped back into the water.

38. No herring shall be taken at any time or in any waters of this Colony for the purpose of being used as manure.

39. No person shall place herring on a scaffold in warm weather.

40. All fresh or green herring shall, in this Colony, be sold or purchased, delivered or received, by the standard measure, which shall be a barrel containing thirty-two imperial gallons, or a tub or half barrel containing sixteen imperial gallons, and shall be sold as they are taken or hauled from the water, without any cull or pick, any agreement to the contrary notwithstanding.

41. All frozen herring shall, in this Colony, be sold or purchased, delivered or received, either by weight, or by the standard measure, which shall be one imperial bushel of eight gallons.

42. No vessel or craft of any description, loading or taking on board fresh, frozen or salted herrings in Newfoundland waters, shall anchor or be moored in any hauling-place, cove or inlet which herrings are in the habit of frequenting, or in which they are being caught.

43. The Department of Marine and Fisheries may appoint a Board of Harbor and Sanitary Commissioners in any place, the limits of which shall be defined in their appointment, to consist of one or more inhabitants of such place, and the duties of such one or more commissioners shall be to select and appoint suitable places where spoiled herring or other fish offal of lobster and other fishes, ballast and rubbish may be disposed without injury to the fisheries or the health of the inhabitants, and where vessels shall be moored; and any person who shall throw, place or deposit any such fish offal,

ballast or rubbish, or shall moor any vessel at or within the said limits other than that so selected and appointed, shall be guilty of a violation of these rules.

44. No ballast or rubbish of any kind shall be thrown overboard from any vessel or boat inside of a straight line drawn from Mynter's Point to Bill Point, via Turnip's Cove, in Bay-du-Nord, Fortune Bay.

- (a) No ballast or rubbish of any kind shall be thrown overboard from any vessel or boat coming to Bay-du-Nord Brook, Fortune Bay, inside of a straight line running across from Farrel's Cove Point to the outside point at Yankee Cove, provided that ballast from any vessel may be thrown under the wharves in said places, should the owner of the same consent thereto.
- (b) No vessel, craft or boat shall anchor, or remain at anchor, or be moored anywhere in Bay d'East, Fortune Bay, for the purpose of freezing herring, or of loading or of taking on board fresh or frozen herring, or herring to be salted, in bulk or in barrels, provided that any vessel, craft or boat coming to Bay d'East in the spring of the year, after the ice has disappeared, for fresh or salted herrings, may be allowed to anchor, dress or cure herrings inside of a straight line drawn from Indian Point to North-west Point at the mouth of North-west Brook.
- (c) All vessels, crafts or boats coming to Simms' Brook, or St. Keel's, in Fortune Bay, for frozen or salted herrings, shall be moored fore and aft as close to land as they can safely float.
- (d) No vessel shall anchor for the purpose of taking and icing down caplin bait in the harbor of Cape Broyle, in the district of Ferryland, outside a line drawn from Admiral's Head on the north side to Gentleman's Point on the south.

45. No person shall throw any herring from any scaffold, vessel or boat into the water; but all spoiled herrings, which cannot be disposed of as an article of human food, or for bait purposes, shall be carried to such places as the harbor and sanitary commissioners may direct, and be used as manure.

46. No person shall throw any ballast, sand or rubbish into the water which herring are known to frequent, but all such ballast, sand or rubbish shall be carried to such places as the harbor and Sanitary Commissioners may direct.

COD FISHERY.

47. Upon the coast of Newfoundland and its dependencies no person shall use, for the purpose of taking codfish, any kind of trap, the walls or sides of which consist of meshes of less than three and a half inches. The opening of any part of the walls of a cod-trap and the lacing of any cod bag (or knitted twine of less than three and one-half inch mesh) for the purpose of removing fish from the cod-trap, shall be a violation of these rules; provided that it is permitted to lace a cod-bag of any size mesh to the head rope of a trap for the immediate removal of fish, and for that purpose only.

48. No person shall set on any of the fishing grounds of this Colony or its dependencies any cod-trap, at a less distance than eighty fathoms from the nearest point of any cod-trap previously set.

49. No person shall set on any of the fishing grounds of this Colony or its dependencies any cod-net or salmon net at a less distance than fifty fathoms from the nearest point of any cod-trap previously set, nor at a less distance than fifty fathoms from any other cod-net or salmon net previously set.

50. When any person shall have set a cod-net or salmon net or cod-trap, and the same shall have become damaged to any extent, rendering it necessary that it be taken up for the purpose of repair, he shall not thereby forfeit his right to re-set his cod-trap, cod-net or salmon-net in the place from whence it has been taken up; provided that the same be re-set within four days.

51. Any person using a herring seine or caplin seine on the coast of this Island to take or haul codfish shall be guilty of a violation of these rules.

52. It shall not be lawful for any person to throw overboard or deposit upon the fishing grounds or ledges on or near the coasts of this Colony or its dependencies, any heads, entrails, bones, or offal of any codfish.

53. (As amended). No person shall, at any time, place any bultow, cod net, cod-trap, or cod-trap mooring, in the waters surrounding South Island, Burnt Island and Gull Island, Twillingate, except in Burnt Island Tickle, between Hell's Mouth Head and Ragg's Point and those waters around South Island of Twillingate, extending from Ragged Point to Clam Cove; nor in the waters within two hundred fathoms of Cuckold's Rock, Little Rock, Sunken Rock, Shoal Ground and Battle Point Tickle, Tizzard's Harbor, in any year, until after the 20th day of October. Nor shall any person use any bultow, cod-net or jigger between Gut Tickle on the west, and the western point of Cobb's Arm, Duck Island, on the south-east, from the 10th day of June to the 10th day of November in any year; nor in the waters of Exploits Bay, Notre Dame Bay, westward of a line stretching across the entrance from Chance Harbor Head, on the south side, and running in a westerly direction to Muddy Hole on the north side of the Bay, shall any person use any contrivance other than hook and line for catching codfish.

54. (As amended.) In the District of Fogo, inside or north of a line running from the South Bill of Cape Fogo, direct from Western Head, no cod-trap or any part of a cod-trap shall be set at a greater distance than eighty fathoms from the shore. No cod-net or bultow shall be used after the 15th day of June in any year, nor further from the mainland than one-half of a mile extending from White Cove Point, Shoal Bay, westwardly to Hare Bay Head, Fogo; nor shall any cod-trap be set within one-quarter of a mile from Stone's Island, lying westward of the Pond Rock Tickle. No bultows may be used at any time outside of a line starting from Cape Fogo, thence northward with the Cape in a direct line from Copper Island until the lighthouse on Sloans' Hill becomes visible northward of Pigeon Island, thence on toward Storehouse Island, until Round Head bears west. Nor shall bultows be used on any part of the local fishing grounds bearing due east from any part of the coast between Cape Fogo and Round Head, inclusive, at any time in any year.

No person shall use any cod-net, bultow or jigger, for catching cod-fish on that part of the coast of Newfoundland contained within the following limits or boundaries, that is to say: a line commencing at the mouth of Shalloway Brook, in the district of Fogo, thence running in a straight line to the most southerly point of South Penguin Island, thence in a straight line to the offor Wadham Island, thence in a straight line to Ragged Point, and thence following the line of coast to the place of commencement. No person shall, within the said limits or boundaries, throw into the water any fish offal. No cod-net shall be set in that portion of the waters of the coast between Round Head and Cape Fogo, before the 1st day of July and not after the 10th of August in any year. No cod-net shall be set in those waters outside a line running south from Round Head to Heeman's Rock, thence on with Heeman's Rock in a direct line with Round Head, until Careless Point is in a line with Keating Head, and thence in a direct line with Cape Fogo. No cod-trap or any portion thereof shall be set a greater distance than seventy fathoms from the shore of Oliver's Head Rock, nor from any part of the shore of Oliver's Bight, westward of a line drawn from Oliver's Head, five hundred fathoms in the direction of Bowling Pond Head, thence direct to Long Point. No cod jigger shall be used at any time during the fishing season on any of the fishing grounds outside of half a mile from Wild Cove Point of Shoal Bay to Hare Bay Head. No cod-jiggers or bultow shall be used to north-east of a straight line drawn from the south-west point of the south-west Storehouse Island to the north-east point of the Barracks. No cod-trap or mooring shall be set in the waters of that portion of the coast between Cape Fogo and Round Head, and then on to Wild Cove Point, Shoal Bay, before noon on the first day of June in any year, and if first day of June falls on a Sunday not before noon on day previous. Two poles or buoys moored to indicate the position in which it is intended a cod-trap is to be set (that is one at the centre back mooring keg and one at the door) shall be sufficient to hold a cod-

754 trap space or berth, and the space or berth so indicated shall be regarded as if a cod-trap of average size were set in the position marked by these poles or buoys. No person shall mark with poles or buoys any more spaces than he can occupy with the same number of traps, and no person shall place any mark in the waters whilst his trap or traps are set.

55. No cod-jiggers, trawls, or bultows, shall be used inside of a line commencing at a point one-half mile north of the northern head of Salvage, thence east three miles, thence south to a line drawn east from the southern point of Little Harbor Head, in Bonavista Bay. Nor shall any bultow be used before the 20th day of September in any year, within four miles northward or westward of the shore, including Green Island, Stone Island or Gull Island, and Cape Island, between Black Head, Bonavista Bay, and Cape Bonavista; nor within three miles northward or eastward of the shore between Cape Island and Spillar's High Rock, in the vicinity of Cape Bonavista.

56. (As amended.) No person shall use any cod-trap or cod-net on any part of the fishing grounds around Ragged Islands, in Trinity Bay, opposite the mouth of Smith's Sound. No person shall use any bultow or trawl on the fishing grounds in Trinity Bay between a line

running south-east from Deer Harbour (West) and a line running south-east from Seal Islands (East) nor inside of a line from Green Island, south-east of Ireland's Eye and half a mile off Bonaventure Head; nor between a line running south-east from Bonaventure Head (West) and a line running south extending three miles from the shore from Low Point north-east of the Horse Chops (East). Nor shall any bultow or float be used within three miles of the mainland between Breakheart Point in Trinity Bay to Split Point in Bacalieu Tickle.

57. (As amended.) In the district of Bay-de-Verde no person shall place in the water any cod-trap or cod-trap moorings, or twine or gear of any description to secure a trap berth, before noon on the twenty-fifth day of May in any year between Breakheart Point and Red Head in Bacalieu Tickle.

In Conception Bay no trap may be set at a greater distance than eighty fathoms from a line drawn from headland to headland from Red Lands to Murphy's Island, at Job's Cove, nor shall any bultow or trawls be set within three miles of the land from Red Lands to Murphy's Island, at Job's Cove, between an imaginary line running south, south-east from each Point.

No person shall place in the waters any cod-trap or cod-trap mooring, or twine or gear of any description, to secure a trap berth, before noon on the 25th day of May in any year on the coast between Salmon Cove Head and Old Sow Point, thence to Feather Point, south side of Harbor Grace, including Harbor Grace and Carbonear Islands.

No person shall place any bultows in the waters of Conception Bay, or the Arms thereof, inside of a line running from Mosquito Point of Harbor Grace, in a southwardly direction to the easternmost point of Kelly's Island, and thence in a westwardly direction to Collier's Point, before the 15th day of July in any year.

58. (As amended.) No bultow or cod-net shall be set within three miles of the fishing ground between Empty Basket, north of the North head of Petty Harbor and Sugar Loaf, from June 1st to October 1st in any year. Nor shall any cod-net or cod-seine be used on the ledges of Petty Harbor East of a line one hundred and fifty fathoms from the shore from the North Head of Jones' Cove, nor East of a line running north-east three quarters of a mile from Alexander Head; nor outside of one hundred and fifty fathoms from the shore of any of the banks situated in the centre of the Bay of Petty Harbor, and known as "Tinker's Bank" and comprising the following:—Moim's Rock, Duck Ledge, Flat Hummocks, and Charlie's Rock. No cod-trap shall be set outside of one hundred and forty fathoms from the shore in any part of Petty Harbor Bay from the Motion Rock on the south shore to Lady Point on the north shore.

59. (As amended.) In the district of Ferryland, the use of floating trawls on the fishing grounds, from Golden Cove Point, South of Brigus to Gentleman's Place, north of Brigus, is permitted from 1st of June to 1st of August, and prohibited from 1st of August to 1st of October in any year.

No person shall use bultows for catching any codfish before the first of October in any year inside of a line to be drawn from Green Fish Point, south-west of Bay Bulls south head, to Long Point, north-east

of Bay Bulls north head; nor at any time during the year within three miles of the land from the southern head of Bay Bulls to Cape Ballard. No cod-net or bultow shall be used or set on the fishing ground known as "Tinker's Fishing Ground," situate off Mobile in the district of Ferryland, the bearing of the same being as follows: From Bare Place, South Point, extending seaward one-and-a-half miles south-east by south, from west point of Neil's Cove one-and-a-half miles south by west. The use of floating trawls shall be permitted from the first day of May till the tenth day of August, within three miles of the coast-line extending from Crow Island, near Ferryland, to Caplin Bay Gut, both inclusive. No person shall use a seine for the taking of caplin from Burnt Point, Ferryland, to Freshwater, Ferryland, nor from Cape Broyle Head to Little Lance Cove in Cape Broyle Bay in said district.

60. In that part of Placentia Bay, including the harbors and coves on the coast-line from Broad Cove Head in an easterly direction to the eastern end of Long Island, thence to Lake's Gut in Paradise, there shall be no bultows used.

61. No cod-net shall be used on the fishing grounds between St. John's Head, east of Bay de L'eau and Pass Island, including Connaigre Bay, in the district of Fortune Bay.

No bultows or cod-nets shall be used on the fishing grounds inside of a line drawn from Pass Island, to Grand Island, Bonne Bay, in the district of Fortune Bay. No trawl or bultow shall be set anywhere in the waters of Little Placentia, Hermitage Bay, in the district of Fortune Bay, inside of a line drawn from Passage Point to Margery Head on the south, inside of a line drawn from Muddy Hole to Day Cove on the north, in any year. No bultows shall be set on the shore of Grand Bank, Fortune Bay, from the first of August to the first of April in the following year, within the under-mentioned

limits; from two miles west of Grand Bank Harbor, and
765 within a line running north-west from the shore eastward, to
a line running in the same direction from Famine Point in
the same locality.

62. No bultows shall be used on the fishing grounds from Cape LaHune to Cape Ray, both inclusive, in the district of Burgeo and LaPoile.

63. (As amended.) No person shall place in the waters of the Labrador Coast, any cod-trap, or cod-trap leader or mooring, nor shall it be lawful for any person to put out any contrivance whatsoever for the purpose of securing a trap-berth on that portion of the coast:—From Blanc Sablon to Gull Island, near the north-east point of Square Island, before noon of the first day of June; nor from Gull Island to a line drawn east and west (magnetic) from Collingham Island in Table Bay, before noon of the fifth day of June; nor from Collingham Island to Cape Porcupine before noon of the tenth day of June; nor from Cape Porcupine to Red Point in Byron's Island before noon of the fifteenth day of June; nor from Red Point to a line drawn east and west from a point two miles north-east of East Turnavik before noon of the twentieth day of June; nor from Turnavik to a line drawn east and west from Thumb Island, near Cape Harrigan before noon of the fifth day of July; nor from Thumb Island north, before noon of the tenth day of July in any year. Provided that when any of the above dates fall on

Sunday, it shall be lawful to set the cod-trap or cod-trap leader, at or after noon on the day previous (Saturday). If any person shall set a cod-trap leader on the fishing grounds after the above dates, in order to secure the place for the setting of his cod-traps, and such person shall fail to set such cod-trap within four days after setting out such leader, it shall be lawful for any other person who may desire to secure the place where such leader was so set out for the setting of his (the latter's) cod-trap, to remove such leader, and then set his own leader or cod-trap in place thereof, and the latter shall be subject also to the provisions of this section as against any other who may so desire to set a leader of cod-trap; provided that if any person after setting his cod-trap leader shall be bona fide prevented by stress of weather or ice from setting his cod-trap within the said four days, such period shall be computed from the time at which the weather or ice shall permit of his setting such cod-trap.

No bultows or trawls shall be used before the fifteenth day of August in any year on the fishing grounds within three miles of the Coast of Labrador or Islands on said Coast between a line to be drawn south-east from Cape Charles and a line drawn from east and west from White Islands in Domino Run.

No cod-trap shall be set in Blackguard Bay, Labrador, except from the mainland or islands and rocks above water, inside a line to be drawn from Curlew Point, thence to Long Island Head to the north-west end of the Western Hare Island.

64. The use of cod-traps is entirely prohibited in Port-au-Port Bay; that is to say, in East and West Bay, and extending from Long Point (or the Bar) to Bear Head, north of Serpentine River, in the District of St. George.

The use of trawls and bultows is prohibited on the fishing grounds from the west point of Hillier's Harbor to Pyramid Point, near Cape Rogue, White Bay, in the District of St. Barbe.

(Added.) The use of trawls or bultows is prohibited on the fishing grounds inside one mile from the shore in Pinnaire Bay in the Straits of Belle Isle.

WHALE FISHERY.

65. The owner or manager of every whaling factory, or of any factory connected either directly or indirectly with said fishery, shall furnish within the month of January, a yearly statement, showing for the previous twelve month, namely from the 1st of January to the 31st of December of the previous year:

- (1) The number of whales captured;
- (2) How many males; how many females;
- (3) How many whales of each species—male and female;
- (4) The quantity of oil (in gallons) obtained therefrom;
- (5) The quantity of guano, whale bone and bonemeal obtained therefrom.

TROUT AND SALMON.

66. No person shall catch, kill, capture or take any salmon, trout, or inland water fishes, in any river, brook, pond, stream, lake or estuary in Newfoundland, by any means other than rod, hook and line.

67. No person shall use any appliance other than rod, hook and line to catch any salmon, trout, or inland water fishes, within fifty

fathoms from either bank on the strand, sea, stream, pond, lake or estuary debouching into the sea.

68. The Department of Marine and Fisheries may place caution boards at a greater distance than fifty fathoms from the points of debouching as aforesaid, wherever, in the opinion of the department, geographical conditions may render the same necessary. The placing of such boards at any such points shall be deemed to be *prima facie* evidence of notice, and shall place the burden of proof, as to lack of notice, upon the party charged with a breach of anything hereunder.

69. No person shall, by spearing, hooking, sweeping, jigging, or raking, or hauling, with any net or seine, take, or attempt to take, any salmon, trout, or inland water fish within this Colony.

70. The use of lime, explosives, or other deleterious compounds for killing or catching fish of any description, shall at all times be prohibited in all inland and coastal waters of this Colony.

766 71. In every mill-dam, rack, or framework erected or built across any pond, lake, river, brook or stream, where salmon and trout have been known to enter, there shall be placed, subject to the approval of the Department of Marine and Fisheries, a proper pass-way or fish-ladder not less than four feet in width, capable of allowing salmon or trout of any size to enter the waters above.

72. Any logs or timber of any description which may be placed so as to impede the passage of salmon or trout in a pond, river, lake, stream, estuary or water-course, shall be instantly removed; and no saw-dust or mill rubbish of any kind shall be cast into any pond, lake, estuary, river, brook, stream or water-course.

73. No net shall be moored or set near any part of the coast of this Colony or its dependencies for the purpose of taking salmon nearer to any other salmon net previously set or moored for a like purpose than one hundred yards for a single net, or three hundred yards for a double net or fleet of nets.

74. No person shall catch, kill, or take any salmon or trout in any river, brook, stream, pond or lake in Newfoundland, between the 15th day of September in any year, and the 15th day of January in the next following year: Provided that this section shall not apply to R. A. Brehm and others who have been granted certain rights under the provision of Section 19 of the Act passed in the 29th year of Her late Majesty, entitled, "The Crown Lands' Act of 1884," as lessees of Murray and Butler ponds, and the streams running into and out of the same for one mile.

75. No net shall be used for taking salmon within the three-mile limit of this Island, the mokes, meshes or scales of which shall be less than five inches.

76. No person shall buy or sell, or have in his possession, any salmon or trout which have been taken contrary to the provisions of these rules, and every salmon or trout so taken, bought or sold, may be declared forfeited to the complainant by any Justice.

GENERAL.

77. The barring of caplin by seines is prohibited in the waters of Newfoundland, and in every case when a seine is used it shall be hauled and tucked forthwith into the boat or boats, and not from the shore. No person shall, at any time, in the waters of Newfoundland,

haul, catch, or take squid within or by means of any seine, bunt or other such contrivance.

78. No person shall between the hours of twelve o'clock on Saturday night and twelve o'clock on Sunday night, take or catch in any manner whatsoever, any herring, caplin, squid, or any other bait fish, or set or put out any contrivance whatsoever for the purpose of taking or catching herring, caplin, squid, or other bait fish. Caplin may be taken for fertilizing purposes by farmers or their employees during the usual season.

79. No person shall dig, take, buy, sell, ship or put, or assist in shipping or putting on board any boat, ship or vessel, or carry in or on board of any ship, vessel or boat, any clams, mussels, scallops, cock-and-hens, or other shell fish, for the purpose of exportation, or for any other purpose, except that of being bona fide for bait for the fisheries of this Colony, or of the same as prosecuted therefrom, or under a foreign fishing license in accordance with the rules thereon: Provided that any such shell fish may be taken for local food purposes and for boiling and canning.

80. No herring shall be sold to any foreign fishing vessel, licensed under the laws of this Colony to purchase bait under one dollar and twenty-five cents a barrel of thirty-two imperial gallons, to be paid by the master or crew of said foreign fishing vessel; nor any caplin under four dollars a dory load, or forty cents per barrel of thirty-two imperial gallons: nor any squid for less than twenty cents per hundred by count, or two dollars per barrel of thirty-two imperial gallons.

81. Fish required for scientific, procreative or experimental purposes, may, under the written permission of the Secretary of the Fisheries' Board, the Minister of Marine and Fisheries, or the Deputy Minister thereof, be taken by any method at any time, anything in these rules to the contrary notwithstanding.

82. The Governor in Council may grant to any person a license to erect houses on any part of the coast of this Colony for the cold storage of bait fishes, and no person shall erect houses for the cold storage of bait fishes on any part of the coast of the Colony without having first obtained a license.

83. All regulations heretofore made under the provisions of the aforesaid Act are hereby repealed.

84. Nothing in these rules shall affect any proceedings commenced, or any penalty incurred, or any rights acquired, prior to their coming into operation.

NOTE.—The penalties applicable to the foregoing rules are provided in the aforesaid Act, and are as follows: "Everyone who violates any provisions of this Act, or of the regulations under it, shall be liable to a penalty not exceeding one hundred dollars and costs, and in default of payment, to imprisonment for a term not exceeding two months. All materials, implements or appliances used, and all fish caught, taken or killed in violation of this Act, or any regulations under it, shall be confiscated to His Majesty, and may be seized on view by any fishing officer, or taken or removed by any person, for delivery to any Justice of the Peace."

ELI DAWE,
Minister of Marine and Fisheries.

ST. JOHN'S, NEWFOUNDLAND,

April 20, 1905.

PROCLAMATION.

By His Excellency Sir William McGregor, Doctor of Medicine, Knight Commander of the Most Distinguished Order of St. Michael and St. George, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies.

Wm. McGREGOR, Governor. [L.S.]

To all to whom these presents shall come, greeting:

Whereas under and by virtue of Chapter 129 of the Consolidated Statutes (Second Series), entitled "Of the Exportation, Sale, etc., of Bait Fishes," the Governor in Council is authorized to limit the operation of the said Chapter and issue of licenses thereunder in relation to any district or part of this Colony or the coast thereof, and for such period and in relation to sale or exportation to such places or for such purposes and in such quantities as shall appear expedient;

And, whereas, under and by virtue of the Act passed in the 61st year of the reign of Her late Majesty, entitled "An Act relating to the Department of Marine and Fisheries," the Governor in Council is also authorized to make and prescribe rules and regulations for the management and regulation of the fisheries of this Colony;

And, whereas, in pursuance of such authority, I, the Governor in Council, have made certain rules and regulations in relation to the aforesaid matters, which rules and regulations are as follows:—

1. The master or other person in charge of any vessel engaged in the prosecution of the Bank or Deep Sea Fishery, beyond the territorial jurisdiction of this Colony, and being a British ship or navigated according to the laws of the United Kingdom or of any British colony or possession, may obtain a license hereafter called a Deep Sea Bait License, which shall apply to such vessel and under and by virtue of which it shall be lawful to put and have on board of such vessel in any port or place in this Colony a supply of bait as herein-after limited and provided for the actual prosecution of the fishery by and on board of such vessel for and during the current fishing season.

2. The master or other person in charge of any vessel, being a British ship or navigated according to the laws of the United Kingdom, or of any British colony or possession, may obtain a license hereinafter called an Export Bait License, which shall apply to such vessel and under and by virtue of which it shall be lawful to have and put on board of such vessel in any port or place in the Colony bait fishes for exportation for food or consumption.

3. Any person who shall sell to, or put on board of any vessel, the master or other person in charge of which shall not have taken a license hereunder, or who shall sell for the purpose of being put on board of any such vessel, any bait fishes, shall be liable to a fine of five hundred dollars, or in default of payment thereof or in the alternative, to imprisonment for a term not exceeding three months.

4. No license shall be granted except upon the written application of the master or person in charge of the vessel. The application shall be in the form appended hereto, and the applicant before receiving said license, shall make oath before a sub-collector or officer of Cus-

tions or commissioner specially appointed, of the truth of the facts set forth in said application.

5. Licenses shall be obtained in all cases before the catching, purchasing or taking on board of any bait fishes.

6. Under and by virtue of a Deep Sea Bait License, it shall be lawful to obtain and put on board of the vessel to which it applies a supply of bait for every trip or voyage of the quantities following:

If herring, at the rate of eight barrels for every dory carried in and employed by and from the vessel for the trip or voyage;

If caplin, at the rate of ten barrels for each dory;

If squid, at the rate of four barrels for each dory.

7. After the obtaining of any supply of bait under a Deep Sea License for any trip or voyage, the following periods shall elapse before the taking of the next supply:

If of herring, not less than eighteen days;

If of caplin or squid, not less than fourteen days.

8. After the obtaining of any supply of bait under a Deep Sea License, the master, or other person in charge of the vessel, not being a vessel defined by section 109 of the Customs' Act, 1898, shall forthwith report to the nearest Customs' officer the fact of having obtained and put on board such supply, the date, place, when and where obtained and the description and quantity obtained and shipped on board. Such report shall be verified upon oath, which the officer is hereby empowered to administer, and the particulars so furnished shall be endorsed by the Customs' officer upon the license.

9. Upon arrival from every trip or voyage the master or person in charge of every vessel, not being a vessel defined by Section 109 of the Customs' Act, 1898, to which a Deep Sea License is granted, shall forthwith report to the nearest Customs' officer and produce his license, and the fact of such report and the date thereof shall be endorsed by the officer upon the license.

10. Bait fishes, taken under a Deep Sea License and put or shipped on board of any vessel to which such license applies, shall not be

transferred to or put on board of any vessel other than that
768 for which the license is granted, or in any other place, nor
landed in any foreign country, nor used or disposed of in any
other way than for bait purposes as above prescribed, or destroyed if
not required for such purpose.

11. Any person applying for an Export Bait License shall, before receiving the same, give a bond to the Minister of Finance and Customs with two sufficient sureties in the sum of not less than one thousand dollars nor more than two thousand dollars each, containing the condition that the terms of the license shall be in all respects complied with and that satisfactory proof of the landing of the cargo at its destination will be furnished within a stated period. The forfeiture of the penal sum under such bonds shall be in addition to any other penalty, forfeiture or punishment imposed by any existing law.

12. Any justice of the peace, sub-collector of the customs, preventive officer, fishery warden, constable or commissioner, specially appointed, may board any vessel suspected of carrying bait fishes, which have been taken contrary to these rules, and in case any such justice, sub-collector, preventive officer, fishery warden, constable or commissioner shall make signal to any vessel suspected as afore-

said, from any vessel employed by the Government by dipping a flag from a mast-head or peak three times or firing a gun, it shall be the duty of the owner, master or person managing or controlling such vessel so signalled to heave-to such vessel until such justice, sub-collector, preventive officer, fishery warden, constable or commissioner, shall have boarded and examined such last-named vessel, and in case of such master, owner, or person managing or controlling as aforesaid such last-named vessel omitting so to heave-to, or to afford facilities for such justice, sub-collector, preventive officer, fishery warden, constable or commissioner boarding or examining such vessel, he shall be subject to a penalty of five hundred dollars, or in default of payment, to imprisonment for a period of three months. The master of any vessel who shall refuse to obey or unreasonably delay in obeying such signal may be arrested and brought before a justice of the peace, and his vessel may be seized and held by any such justice, sub-collector, preventive officer, fishery warden, constable or commissioner until an adjudication shall have taken place upon a complaint hereunder.

13. Any person found hauling, catching, taking, purchasing, selling, shipping, or conveying bait fishes, or any person having such bait fishes in his possession, or the master, owner or crew of any boat or vessel on board of which any bait fishes may be found, may be examined on oath by a justice of the peace, sub-collector, preventive officer, fishery warden or commissioner, specially appointed, as to the quantity and kind of bait fishes in his possession or on board of such boat or vessel, the purpose for which such bait fishes are intended to be used or as to the place to which such bait fishes are intended to be conveyed or exported, and upon his refusing to answer, or answering untruly, such justice, sub-collector, preventive officer, fishery warden or commissioner may seize the boat or vessel on board of which such bait fishes shall have been hauled or caught or put, kept, shipped, carried, conveyed or exported, or on board of which the same may have been found, her tackle, apparel, furniture and outfit and the said bait fishes so found as aforesaid, and may hold the same until an adjudication shall have been had upon a complaint in relation to such alleged offences.

14. Any person who shall be guilty of any breach or violation of, or non-compliance with these rules and regulations, or of the terms and conditions of any license granted hereunder, or of aiding, abetting, or assisting in or procuring any such breach, violation or non-compliance, shall be liable to a penalty not exceeding five hundred dollars, or in the alternative or in default of payment of such penalty to imprisonment not exceeding six months.

15. In addition to any penalty or punishment provided by these rules, the vessel in, on board of, or in respect of which any breach or violation of, or non-compliance with such rules has taken place, and any boats, seines, nets, implements and appliances used in, upon or in connection with such breach, violation, or non-compliance, shall be liable to confiscation, and any license, the terms of which may have been violated, shall be forfeited.

16. All offences under these rules and all penalties and forfeitures thereby provided shall be prosecuted and imposed in a summary manner before any Stipendiary Magistrate or Justice of the Peace.

17. If any person convicted under these rules shall feel himself aggrieved by such conviction, and the penalty imposed exceeds one hundred dollars, or the penalty and the value of any boat, gear, or other property forfeited together amount to more than one hundred dollars, he may appeal therefrom to the then next sitting of His Majesty's Supreme Court, holden in or nearest the place where such conviction shall have been had, or in St. John's: Provided notice of such appeal and of the cause and matter thereof be given to the convicting magistrate or justice in writing, within seven days next after such conviction, and the party desiring to appeal shall also within fourteen days after such notice give and enter into recognizances with two approved sureties before the convicting magistrate or justice, conditioned for the appearance of the person convicted at such next sitting of the Supreme Court, and the first day such sitting, for the prosecution of the appeal with effect and without delay to abide the judgment of the Court thereon, and for the delivery and surrender of any vessel or other property ordered to be confiscated and to pay such costs as the Court may award.

18. No proceeding or conviction by, nor order of, any magistrate or other officer under these rules shall be quashed or set aside for any informality, provided the same shall be substantially in accordance with these rules.

19. No person shall—

- (1) Export or cause or procure to be exported, or assist in the exportation of; or
- (2) Haul, catch, take or have in his possession, for the purpose of exportation; or
- (3) Purchase or receive in trade or barter, for the purpose of exportation; or
- (4) Take, ship or put or haul on board, or assist in taking, shipping, putting, or hauling on board of any ship or vessel, for any purpose whatever; or
- 769 (5) Carry or convey on board of any ship or vessel for any purpose whatsoever, any herring caplin, squid, or other bait fishes, from, on or near any parts of this Colony or its dependencies, or from or in any of the bays, harbors or other places therein without a license in writing to be granted and issued as hereinbefore provided.

20. Licenses shall be in the form as set forth herein, and shall be signed by the Customs' officer before whom the affidavit hereinbefore referred to is made.

21. In these rules "bait" and "bait fishes" shall mean and include herring, caplin and squid, and "vessel" shall include any boat or ship, registered or not registered, jack, skiff, punt or launch, whether propelled by sails, oars or steam.

22. The rules and regulations made by the Governor in Council and contained in the Proclamation of His Excellency the Governor, of date 1st of June, A. D. 1898, are hereby rescinded.

Nothing in these rules shall affect the rights and privileges granted by treaty to the subjects of any State in amity with His Majesty.

Now, therefore, I, the Governor, by and with the advice of the Executive Council, do hereby declare and make known to all whom it doth or may concern that the said rules and regulations are and shall hereafter be and continue in full force and effect. And all magis-

trates, constables, customs and other officers, and all others whom it doth or may concern, are hereby required to take notice thereof and govern themselves accordingly.

Given under my Hand and Seal, at the Government House, in St. John's this 14th day of April, A. D. 1905.

By His Excellency's Command,

R. BOND,
Colonial Secretary.

770 UNITED STATES OF AMERICA, INCLUDING COLONIAL AND STATE LAWS.

No. 147.—1688: *The General Laws and Liberties of the Massachusetts Colony: Revised and Re-printed 1672.*

FISH—FISHERMEN.

* * * * *

It is Ordered by this Court and the Authority thereof, that no man shall henceforth kill any Cod-fish, Hake, Haddock or Polluck, to be dried for sale in the Month of December or January; because of their spawning time, nor any mackerel to barrel up in the Month of May or June, under penalty of paying five shillings for each Quintal of Fish, and five shillings for each barrel of mackerel; nor shall any Fisherman cast the Garbage of the Fish the catch overboard at or near the Ledges or Grounds where they take the Fish; nor shall any of the boats crew refuse or neglect to obey the Order of the Master of the Vessel to which they belong, for the times and seasons of fishing; nor shall they take or drink any more Strong Liquors than the Master thinks meet to permit them: the breach of these three last being under the penalty of twenty shillings for the first offence; for the second forty shillings; for the third three months imprisonment, one third part of the aforesaid fines to the Informer proving the same. [1668.]

This Court being informed, that the taking of mackerel at unseasonable times do greatly diminish their increase, and will in the issue tend to the spoil of the trade thereof;

Do Order and Enact, that henceforth no mackerel shall be caught, except for spending whilst fresh, before the first of July annually, on penalty of the loss of the same; the one half to the Informer, and the other half to the use of the Country. And any Magistrate or County Court is empowered to act herein to all intents and purposes, for the execution of this Law.

* * * * *

No. 148.—1668, June 3: *Acts and Orders of the General Court of the Colony of New Plymouth.*

* * * * *

Whereas great Complaint is made of great abuse by reason of fishermen that are strangers who fishing on some of the fishing

ground on our Coast in Catches dressing and splitting their fish aboard throw their Garbage overboard to the great annoyance of fish which hath and may prove greatly detrimental to the Country; It is ordered by the Court that something be directed from this Court to the Court of the Massachusetts to request them to take some effectual course for the restraint of such abuse as much as may be;

* * * * *

No. 149.—1670, June 8: *Acts and Orders of the General Court of the Colony of New Plymouth.*

* * * * *

Whereas the Providence of God hath made Cape Cod commodious for us for fishing with seines; and some careless persons have annoyed the same by casting their ballast near the shore where such convenience is; or by leaving the garbage of fish or dead fish to lie there rotting whereby such annoyance is; This Court does therefore order that whosoever shall trespass in any of the said kinds of annoyance shall pay the sum of forty shillings to the Colony's use for every such default unto the person that the Court doth appoint to look after the same; also this Court doth further order that whosoever of our inhabitants that draw mackerel on shore there shall pay to the Colony's use sixpence per barrel for every barrel so taken or the quantity that may amount to a barrel; and for every barrel or the quantity thereof so taken by any foreigners in the aforesaid place shall be payed one shilling and sixpence to the Colony's use by the person or persons that so fish there and at the beginning of any voyage attempted there; the person or persons so doing shall at the entrance on the voyage put in sufficient security unto the person appointed by the Court under this trust for the payment of the aforesaid sum or sums;

* * * * *

771 No. 150.—1672, October 29: *Acts and Orders of the General Court of the Colony of New Plymouth.*

An Order directed to Thomas Paine, the Water Bayley.

This Court being informed that few or none of ours are like to fish at the Cape by seine, and that divers strangers desire liberty there to fish, these are therefore to empower you, in the behalf of the Court, to give liberty to such strangers as shall desire there to fish, carrying orderly and paying such dues as by Court order is provided; and this shall be your warrant therein for this present season.

No. 151.—1677, July 13: *Acts and Orders of the General Court of the Colony of New Plymouth.*

* * * * *

The country have set and to farm let their privileges and profits of fishing at the Cape unto the Treasurer, Mr. Huckens, Mr. Gray,

and Thomas Paine, for the term of seven years from the date hereof, for and in consideration of the sum of thirty pounds a year, to be paid in current silver money, to be paid at or before the first of May yearly. It is mutually agreed between the Court and the partners, that it shall be improved by our own people, but in case they shall refuse, that then it shall be at the liberty of the partners to admit of any other, out of the Colony, to improve it with them; and the Court appoint Cornett Studson and Mr. Nathaniel Thomas to make leases to the partners, and to receive the country's money for it, for the country's use, as it is due and payable.

* * * * * * *

No. 152.—1684, July 1: *Acts and Orders of the General Court of the Colony of New Plymouth.*

* * * * * * *

This Court taking into their serious consideration the great damage that this colony and our neighbours is likely to sustain by the catching of mackerel with nets and seines at Cape Codd, or else where near any shore in this colony, to the great destruction of fish, and to the discouragement of several fishermen,—

This Court doth therefore enact, and be it hereby enacted, by the authority thereof, that no person or persons whatsoever, after the publication hereof, shall catch or draw on shore any mackerel, with net or nets, seine or seines, in any part of this colony; and if any person or persons shall hereafter presume to catch any mackerel by setting or shooling any net or seine, every such person or persons so offending as aforesaid shall forfeit for his or their said offence all such nets or seines as shall be so improved, and all such mackerel as shall be so caught by him or them, and shall also forfeit every such vessel, and all such vessels, or boats, as shall be employed therein, whether catch, sloop, or boat, as shall be employed in taking or carrying away any such fish, if at any time the person or persons so offending be taken within the government, or the value thereof, the one moiety to the Colony, and the other moiety to the informer, that shall prosecute the same. And for the better execution of said law, power shall be given by some one or more of the magistrates by warrant to some fit man to act as a water bailiff to make seizure of any such forfeitures as aforesaid.

* * * * * * *

No. 153.—1684, July 4: *Acts and Orders of the General Court of the Colony of New Plymouth.*

Mr. William Clarke, of Plymouth, came into the Court and tendered, that if this Court would make a law to prohibit the catching of mackerel with seines in any part of this colony, he would and did engage to the Court that he would give and pay unto the Treasurer thirty pound per annum, for seven years, in current New England

money, for the basse fishing at Cape Codd; whereupon this Court passed an order to prohibit seining for mackerel, and ordered the Treasurer to make a lease to the said Clark of Cape Codd, only for basse fishing, seven year, for the said sum of 30l. per annum.

772 No. 154.—1867, June 1: *Law of New Hampshire, Province period.*

An Act for regulating the fishing trade and fishermen.

Whereas much Damage hath been sustained and the Credit of the fishing Trade is greatly Impaired by the bad makeing of fish and Disorderly actings of fishermen for the prevention whereof for the future Be it enacted by the Governour and Council and it is hereby enacted and Ordained by the authority of the same That in every fishing place within this Dominion One or more Discrete and honest person or persons be annually or oftener as need shall require appointed and sworn by the Justices in their respective Counties to be Viewers and Cullers of fish who shall view and Cull all fish to be Delivered and Received And what they approve as Merchantable the Receiver shall accept And what is refused fish shall be cast by All Sun burnt salt burnt and Dry fish; which hath been first Pickled; and all fish salted with Tartudy salt and thereby Spotted to be judged refused And the said Viewers for their Labour and paines aforesaid shall be allowed One Penny per Quintal of Merchantable fish so Viewed and Culled to be paid the One half by the Deliverer and the other half by the Receiver And it is Further Enacted by the authority aforesaid that no Mackerel shall be caught Except for Bait or spending while fresh before the first of July Annually nor shall any Mackerel be caught with Seines at any time whatsoever under the penalty of forfeiture of all such Makerel and the Seines Vessels or boats used and employed to Catch the same; And for preventing Disorders amongst fishermen It is Like-wise Enacted that none belonging to any fishing Vessel or boat shall Refuse or neglect to obey the Orders of the Master of such Vessel or boat to which they do belong for the times and Seasons of fishing. And that all fishermen that are or shall be shipped upon a Winter or Spring Voyage Duly attend the same according to the Custom and agreement with Respect to time And all fishermen that are or shall be shipped upon a fishing voyage for the whole summer shall not presume to brake off their Voyage before the Last of October without the Consent of the Owner Master and share-men On penalty of forty shillings Besides all Damages that shall be Occasioned thereby All Penalties fines and forfeitures arising by this Act to be the one half to his Majesty his heirs and Successors and the other half to him or them that shall inform and sue for the same in any Court within this Dominion.

Council Chamber in Boston the first day of June in the Third year of his Majesty's Reign Anno que Domini 1687.

Examined, per John West, Deputy Secretary.

No. 155.—1692, November 26: *Act of the Province of Massachusetts Bay, 1692-3, Cap. 32.*

An Act for the regulating and encouragement of fishery.

Upon consideration of great damage and scandal, that hath happened upon the account of pickled fish, although afterwards dried and hardly discoverable, to the great loss of many, and also an ill reputation on this province, and the fishery of it,—

Be it therefore enacted by the Governor, Council and Representatives, convened in General Court or Assembly, and it is enacted by the authority of the same,

[SECT. 1.] That no person or persons whatsoever, after the publication hereof, shall save or salt any sort of fish (that is intended to be dried) in cask or fasses, or any other way than what hath formerly and honestly been practised for the making of dry fish, on penalty of forfeiting all such fish so salted and pickled, whether it be green or dry; the one moiety thereof to the use of the poor of the town where the offence is committed, and the other moiety to the person that shall sue for the same.

And it is further enacted by the authority aforesaid,

[SECT. 2.] That henceforth no mackerel shall be caught (except for spending whilst fresh) before the first of July annually; and no person or persons whatsoever, after the publication hereof, shall at any time or place within this province take, kill, or hale ashore any mackerel, with any sort[s] of nets or seines whatsoever, on penalty of forfeiting all such mackerel so taken or haled ashore, and also all such nets and seines which were so employed; the one-half thereof to their majesties towards the support of this their government, and the other half to him or them that shall inform and sue for the same. And all justices are hereby empowered, and required to grant their warrants for the seizing of the same and the aforesaid forfeitures, or the receiving of the like value in current money of this province.

[Passed November 26.

773 No. 156.—1702, November 21: *Act of the Province of Massachusetts Bay, 1702, Cap. 12.*

An Act for the reviving and re-enacting a clause in the act intituled "An Act for the regulating and encouragement of Fishery," that hath been for some time repealed by the general Assembly.

Whereas, in the second paragraph of the said act it is entitled "that henceforth no mackerel shall be caught (except for spending whilst fresh) before the first of July annually"; and whereas the said clause, by an act afterwards made and passed by the general assembly, was repealed and made void, which said repeal and the unseasonable catching of mackerel thereupon hath been experienced to be very prejudicial to this province,—

Be it therefore enacted by His Excellency the Governor, Council and Representatives [convened] in General Court or Assembly, and it is enacted by the authority of the same,

That the said clause above-recited shall be and is hereby revived and re-enacted, and that henceforth no person or persons whatsoever shall presume to catch or cause to be caught any mackerel, (except for spending whilst fresh,) before the first of July annually, on penalty of forfeiting all the mackerel so caught contrary to the true intent and meaning of this act, and twenty shillings per barrel over and above for each barrel of the same; the one half of the said forfeiture to be to her majesty for and towards the support of this her government, and the other half to him or them that shall inform and sue for the same in any of her majesty's courts of record within this province. [Passed November 11; signed by the Governor and published November 21.]

No. 157.—1715, July 23: *Act of the Province of Massachusetts Bay, 1715-1716, Cap. 4.*

An Act for Building and Maintaining a Lighthouse upon the Great Brewster (called Beacon Island) at the entrance of the Harbour of Boston.

Whereas the want of a lighthouse at the entrance of the harbour of Boston hath been a great discouragement to navigation by the loss of the lives and estates of several of his majesty's subjects; for prevention whereof,—

Be it enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,

[SECT. 1.] That there be a lighthouse erected at the charge of the province, on the southermost part of the Great Brewster, called Beacon Island, to be kept lighted from sun-setting to sun-rising.

[SECT. 2.] That from and after the building of the said lighthouse, and kindling a light in it, useful for shipping coming into or going out of the harbor of Boston, or any other harbor within the Massachusetts Bay, there shall be paid to the receiver of impost, by the master of all ships and vessels, except coasters, the duty of one penny per ton, inwards, and also one penny *per ton*, outwards, and no more, for every ton of the burthen of the said vessel, before they load or unload the goods therein.

* * * * *

[SECT. 4.] That none shall be accounted coasters by this act, but such who import only provisions, tar, pitch, turpentine or lumber, whose owners belong to this province, or the provinces or colonies of Rhode Island, Connecticut, New York, Jerseys, Pennsylvania, Maryland, Virginia, North Carolina and Nova Scotia, and that are *bona fide* bound to some of the forementioned governments; all such coasters to pay only two shillings each time they clear out.

[SECT. 5.] That all fishing vessels, wood-sloops, &c., employed in bringing of fish, wood, stones, sand, lime or lumber, from any of the parts within this province, coming into said harbor of Boston, &c., pay five shillings at their first coming in or going out, and no further payment to be demanded of them by the space of one year next following.

* * * * *

[SECT. 7.] And the commissioner of [the] impost, or deputy, shall attend at his office at certain hours *de die in diem*, for entering ships and vessels, and to give certificate of paying the duty thereof to the naval officer, for which he shall demand and receive sixpence, and no more.

[SECT. 8.] And no ships or vessels shall be cleared by the naval officer, until such certificate be produced that the duty of the lighthouse be paid; and the ship, with master, shall be charged with the duty thereof, till paid to the commissioner of impost.

And be it further enacted by the authority aforesaid,

[SECT. 9.] That the person who shall be appointed from time to time, by the general court or assembly, to be keeper of the sa[id][me] lighthouse shall carefully and diligently attend his duty at all times

in kindling the lights, from sun-setting to sun-rising, and placing them so as they may be most seen by vessels coming in or going out; and upon conviction of neglect of his duty, before the court of general sessions of the peace within the county, shall be liable to be fined, according to the degree and circumstance[s] of his offence, not exceeding one hundred pounds, two-thirds thereof to be to his majesty to and for the support of the government of this his majesty's province, and the other third part thereof to the person or persons that shall inform of such neglect; to be recovered by bill, plaint or information in any of his majesty's courts of record within this Province. [Passed July 23.]

No. 158.—1751, June 25: *Act of the Province of Massachusetts Bay, 1751-2, Cap. 2.*

An Act in addition to an act made and passed in the first year of the reign of His Majesty King George the First, intituled "An Act for building and maintaining a lighthouse upon the Great Brewster (called 'Beacon Island'), at the entrance of the Harbour of Boston."

Whereas the lighthouse at the entrance of the harbour of Boston hath been greatly damaged by fire, and it hath been ordered by this court that it should be repaired; and it being reasonable that the charge of such repairs should be borne by those who receive the immediate benefit thereof,—

Be it therefore enacted by the Lieutenant-Governor, Council and House of Representatives,

That the commissioner of impost be and hereby is directed, by himself and his several deputies, to demand and receive of the master of every vessel (which, within the space of two years from the publication of this Act, shall clear out from any port within this province, being bound to any port without this province), over and above what is already by law provided, the following rates at each time of clearance; viz., for every vessel of less than one hundred tons, two shillings; for every vessel of above one hundred tons, and not exceeding two hundred tons, three shillings; and for every vessel of above two hundred tons, four shillings; the tonnage to be computed according to what such vessels may measure in carpenter's tonnage, and not according to the register of such vessel; and the said commissioner of

impost shall once in every quarter of the year pay such sums as he or his deputies shall receive for the aforesaid duties, to the province treasurer, to be applied to the uses aforesaid. [Passed June 22; published June 25.]

No. 159.—1771, April 26: *Act of the Province of Massachusetts Bay, 1770-71, Cap. 35.*

An Act for building and maintaining a lighthouse or houses on Thatcher's Island [or] [on] the mainland of Cape Ann.

Whereas the headland of Cape Ann projects itself into the main ocean in such manner as to form two deep bays; one, to the northward, commonly called Ipswich Bay, and another, to the southward, called the Massachusetts, or, more commonly, Boston Bay; that there are two very dangerous ledges of rocks which lay off from the headland, which, for want of some guide, frequently prove fatal to vessels; and it being generally thought that a lighthouse, or houses, erected on Thatcher's Island, or the mainland of Cape Ann, would be very serviceable to the navigation and commerce of this province, and be a means of preserving the lives and estates of a great number of his Majesty's subjects, by directing the distressed, in stormy and tempestuous weather, into a safe harbour; therefore,—

Be it enacted by the Governor, Council and House of Representatives,

[SECT. 1.] That there be a lighthouse or houses erected at the charge of the province, either on Thatcher's Island or the mainland of Cape Ann (as shall appear most convenient to a committee appointed by this court), to be kept lighted from sun-setting to sun-rising; that from and after the building of the said lighthouse or houses, and kindling a light or lights therein, there shall be paid to the receiver of impost, by the masters of all ships and vessels belonging to or entering any of the harbours in the province, to whom the said light shall be useful, the light duty or light-money as, by an Act of this province, passed in the first year of King George the First, intituled "An Act for building and maintaining a lighthouse upon the Great Brewster, called Beacon Island, at the entrance of the harbour of Boston," the ships and vessels entering into or going out of the harbour of Boston are held to pay; and in case any vessels belonging to any of the harbours above referred to shall arrive at the harbour of Boston, and there pay the light-money to the impost officer, the said officer to give his certificate to his deputies that he has received the said light-money, so that it shall not be demanded again.

And be it enacted,

[SECT. 2.] That the commissioner or receiver of impost be and hereby is empowered, by himself, or his deputy by him appointed, to receive the said duties, and to recover the same, and give a certificate therefor, in the same way and manner as by the aforesaid act is provided.

775 *And be it further enacted,*

[SECT. 3.] That no ship or vessel belonging to the aforesaid ports (coasters excepted) shall be cleared by the naval officer, until a certificate be produced that the duty of the lighthouse be paid; and

the ship or vessel, with the master, shall stand charged with the duty thereof till paid to the commissioner of impost.

And be it further enacted,

[SECT. 4.] That the person appointed by this court to keep the said lighthouse, or houses, shall be under the same rules and directions with respect to his duty, and also under the same penalty for neglecting the same, and the fines shall be recovered in the same way and manner, as in and by the aforerecited act is provided.

And be it further enacted,

[SECT. 5.] That a committee of this court be appointed to build the said lighthouse, or houses, of such dimensions, and in such manner, as they may be directed by the said court. [Passed and published April 26, 1771.

No. 160.—1772, March 24: *Colonial Law of New York, Cap. 1556.*

An Act to prevent the Destruction of Fish in the County of Suffolk.

Passed the 24th March, 1772.

Whereas the fish in the Bays, Rivers, and Creeks in the County of *Suffolk*, are greatly diminished, and are likely in a very short time to be entirely destroyed, by reason of the Inhabitants fishing with long Seines or Nets, in their Winter Quarters, to the great Damage of the Inhabitants of said County and the Public in general:—To prevent the same for the future,

I. Be It Enacted by his Excellency the Governor, the Council, and the General Assembly, and it is hereby enacted by the Authority of the same, that if any person or persons, after the publication of this Act, shall draw any seine or net of any length whatsoever, or set any seine or net of more than six fathoms in length, with Meshes not less than three Inches square, from the fifteenth day of November, to the fifteenth Day of April, in any Year during the continuance of this Act, in any of the Bays, Rivers or Creeks in said County, such Person or Persons shall for each Offence, forfeit the Sum of *One Hundred Pounds*, with Costs of Suit; to be recovered in any Court of Record within this Colony, by any Person or Persons that will sue for the same; the one half of the Forfeiture, when recovered, shall belong to the prosecutor or prosecutors; and the other half to be paid to the Treasurer of the said County, to be disposed of by the Supervisors, towards defraying the Public Expense of the said County.

II. Be It Further Enacted by the Authority aforesaid, That if any person or persons shall be discovered to have any Quantity of Fish, or to have sold any Quantity of Fish, from the fifteenth day of November, to the fifteenth day of April, such person or persons shall be deemed guilty, and shall suffer the same penalty as aforesaid, to be recovered and applied as above directed by this Act, unless he can make it appear that he has caught them otherwise than by such Seines or Nets prohibited by this Act.

III. And Be It Further Enacted by the authority aforesaid, That if any Person or Persons shall be seen to carry any Seines or Nets, in any fishing Craft in any of the Bays Rivers or Creeks in the said

County, within the aforesaid time, from the fifteenth day of *November* to the fifteenth day of *April*, of more than six Fathoms in length, and shall be convicted thereof, such Person or Persons shall forfeit the Sum of *five Pounds*, to be recovered by any Person or Persons who will sue for the same, with Costs of Suit, before any one of his Majesty's Justices of the Peace of said County, and disposed of as the other Forfeitures of this Act are directed. This Act to continue in force from the publication hereof, until the fifteenth day of *April*, which will be in the Year of Our Lord one thousand seven hundred and seventy-six.

No. 161.—1774, June 17: *Act of the Province of Massachusetts Bay, 1774, Cap. 2.*

An Act for maintaining a lighthouse upon Brant Point, at the entrance of the Harbour of Nantucket.

Whereas the inhabitants of the island of Nantucket, at their own cost and charge, have, at different times, erected three lighthouses upon Brant Point, at the entrance of the harbour of Nantucket, the first of which was destroyed by fire, and the second by a violent gust of wind; the third is now standing and is absolutely necessary
776 for all vessels coming in and going out of said harbour, but the inhabitants of said island have hitherto borne all the charge of erecting and maintaining the said lighthouse, which burthen ought, in equity, to be borne by all vessels receiving advantage from that light, belonging to strangers as well as to the said inhabitants who have humbly petitioned this court for relief,—

Therefore be it enacted by the Governor, Council and House of Representatives,

[SECT. 1.] That from and after the first day of August, *Anno Domini* one thousand seven hundred and seventy-four, all vessels of fifteen tons burthen and upwards, coming in or going out of said harbour of Nantucket, shall pay the sum of six shillings at the time of their first coming in or going out; and no further sum shall be demanded of any such vessel for the space of twelve months next following.

And be it further enacted,

[SECT. 2.] That no vessel of fifteen tons burthen and upwards shall be clear'd or entered by the impost officer residing at said island of Nantucket, until the said sum of six shillings be paid to him for the support and maintenance of the said light house; and the said impost officer, for the time being, is hereby directed and required to receive the sum of six shillings, for each vessel so enter'd or cleared, and no more, to be applied for the purposes of maintaining of said light-house, and shall keep a fair account of all such monies received, and pay the same to the selectmen of the town of Sherburne, or the major part of them, or their successors in said office, to be applied for the purposes aforesaid. [Passed June 17.

No. 162.—1775, January 31: Colonial Law of New York.

An Act to continue and amend an Act entitled, An Act to prevent the Destruction of Fish in the County of Suffolk.

Whereas the abovesaid Act passed the Twenty fourth Day of March in the Year of our Lord One thousand seven hundred and Seventy two, has been found in a great Measure to answer the good Purposes thereby Intended, and if further continued, with some Amendments, must prove of great Advantage to the Community.—

Be it enacted by his Honor the Lieutenant Governor, the Council, and the General Assembly, and it is hereby enacted by the Authority of the same, That the first enacting clause in the said Act is hereby repealed, and declared null and void, and the following Clause substituted and enacted by the Authority aforesaid instead thereof; That if any Person or Persons shall draw any Seine or Net of any Length whatsoever; or set any Seine or net above six Fathoms in Length, from the Fifteenth Day of November to the Fifteenth Day of April, in any Year during the Continuance of this Act, in any of the Bays, Rivers or Creeks within the County of Suffolk, shall for each Offence forfeit the Sum of one Hundred Pounds, And if any Person or Persons shall set any Net whatsoever in Ketchabanuck Channel or within Thirty Rods of the Mouth of said Channel leading into Quantuck Bay or out of said Bay shall forfeit the Sum of Ten Pounds, Or if any Person or Persons shall set any Net or Nets in any other Place in any of the Bays, Rivers or Creeks in the County aforesaid within four rods of another Net or Nets, and that with Meshes less than three Inches Square, shall for each Offence Forfeit the Sum of Five Pounds, which forfeitures shall be recovered with Costs of Suit in any Court in this Colony, having Cognizance of the same, by any Person or Persons who shall sue for the same, The one half of all the forfeitures shall be paid to the Prosecutor or Prosecutors, and the other half to be paid to the Treasurer of the said County, to be disposed of by the Supervisors of said County, towards defraying the Public Expense of the County, and for want of Estate to levy the same, the Offender or Offenders shall be committed to the common Goal of the County wherein he shall be Convicted, thereto remain until the Forfeiture or Forfeitures be paid, with Cost of Suit.

Be it further enacted by the same Authority, That it shall be no legal Objection or Disqualification against any Freeholder or Inhabitant in the said County, otherwise lawfully qualified as a Juror or Evidence, to serve on any Jury or give Evidence in any Suit or Suits that shall be brought by Virtue of this or the abovesaid Act, notwithstanding the one half of the forfeitures are made payable in the County Treasury, and to be disposed of by the Supervisors as aforesaid.

Be it further enacted by his Honor the Lieutenant Governor, the Council and the General Assembly, and it is hereby enacted by the Authority of the same, That the abovesaid Act to prevent the Destruction of Fish in the County of Suffolk, passed the Twenty fourth Day of March in the Year of our Lord One Thousand Seven Hundred and Seventy two, except the first enacting Clause shall be and is hereby continued, and every Clause, Matter and Thing therein con-

tained, with this Amendment, enacted to be and remain in full Force to all Intents and Purposes whatsoever, until the Fifteenth Day of April which will be in the Year of our Lord one Thousand seven hundred and eighty.

777 No. 163.—1789, July 31: Extract from United States Statute, Cap. 5.

CHAP. V.—An Act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares and merchandises imported into the United States.

* * * * *

SEC. 10. *And be it further enacted*, That every master or other person having or taking the charge or command of any ship or vessel, bound to any port of the United States, from any foreign port or place, shall deliver upon demand, to any officer or other person lawfully authorized, who shall first come on board his ship or vessel, two manifests, signed by the said master or person having command, and specifying in words (and not in figures) a true account of the loading which such ship or vessel had on board at the port from which she last sailed, and at the time of her sailing, or at any time since, the packages, marks and numbers, and noting thereon to what port in the United States such ship or vessel is bound, and the name or names of the person or persons to whom the goods are consigned, or in cases where the goods are shipped to order, the names of the shippers, noting the goods consigned to their order. One of which manifests, such officer, or other person, shall sign, and return to the master or other person having the charge of such ship or vessel, certifying thereon as nearly as may be, the time when the same was produced, and that a like manifest was delivered to him; and shall transmit the other manifest to the collector of the district to which such ship or vessel is bound.

SEC. 11. *And be it further enacted*, That the master or other person, having the charge or command of any ship or vessel (ships and vessels of war excepted) coming into, or arriving in any of the ports or districts of the United States, or in any of the creeks or harbours thereof, shall, within forty-eight hours after such arrival, repair to the office of the Collector of the district where such vessel shall so arrive, and shall report to the said collector the place from whence he last sailed, with the name and burthen of his ship or vessel, and shall deliver to such collector two manifests, agreeably to the directions of this act, unless he shall before have delivered one manifest to some officer, or other person lawfully authorised in manner as herein before is required; in which case he shall deliver the manifest certified as aforesaid, together with such documents as are usually furnished in the port from whence they came, and shall take and subscribe an oath or affirmation, before the collector or other proper officer, which oath or affirmation, he or they are authorized and required to administer, and shall be in the words following, to wit: “I, _____, do solemnly swear or affirm (as the case may be) that this is, to the best of my knowledge and belief, a just and true

manifest of all the goods, wares and merchandise, on board the _____, at the port from which she last sailed, at the time of her sailing, or at any time since, and of which vessel I am at present master." And if the master or other person having charge or command of any such ship or vessel, shall refuse or neglect to make entry, or deliver his manifests and documents, pursuant to the directions of this act, or to take the oath or affirmation herein prescribed, he shall forfeit and pay five hundred dollars for each refusal or neglect.

SEC. 12. *And be it further enacted*, That no goods, wares or merchandise, shall be unloden or delivered, from any ship or vessel, but in open day, or without a permit from the collector for that purpose; and if the master or commander of any ship or vessel shall suffer or permit the same, such master and commander, and every other person who shall be aiding or assisting in landing, removing, housing, or otherwise securing the same, shall forfeit and pay the sum of four hundred dollars for every offence; shall moreover be disabled from holding any office of trust or profit under the United States, for a term not exceeding seven years; and it shall be the duty of the collector of the district, to advertise the names of all such persons in the public gazette of the State in which he resides, within twenty days after each respective conviction. And all goods, wares and merchandise, so landed or discharged, shall beocme forfeited, and may be seized by any officer of the customs; and where the value thereof shall amount to four hundred dollars, the vessel, tackle, apparel and furniture, shall be subject to like forfeiture and seizure: *Provided always*, That if any ship or vessel compelled by distress of weather, or other sufficient cause, shall put into any port or place of the United States, other than that to which she was actually destined, the master or other person having command, shall within forty-eight hours next after his arrival, make report and deliver a true manifest of his cargo to the Collector of the port or district; and moreover shall within twenty-four hours, make protest in the usual form before a notary public or justice of the peace, of the cause and circumstances of such distress; and if it shall appear to the collector, that there is a necessity for unloading such ship or vessel, he shall grant permission, and appoint a proper officer to attend the unloading thereof; and all goods, wares and merchandise so unloden, shall be stored under the direction, and subject to the safe keeping of such collector; but if any part thereof shall be of a perishable nature, or it may be necessary to make sale of any part thereof to defray the expenses of such vessel or cargo, the said collector shall grant a license to the master, commander or owner, to dispose of so much thereof as are perishable, or shall be necessary to defray such expenses: *Provided*, That the duties thereon be first paid or secured: *And provided also*, that such necessity be made appear by the wardens of the port, or other persons legally authorized to certify the same, and where there are no such persons, by the affidavit of two reputable citizens of the neighbourhood, best acquainted with matters of that kind.

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Approved, July 31, 1789.

778 No. 164.—1789, September 1: Extract from United States Statute, Cap. 11.

CHAP. XI.—An Act for registering and clearing vessels, regulating the coasting trade, and for other purposes.

* * * * *

SEC. 22. *And be it further enacted*, That from and after the tenth day of September next, every ship or vessel of the burthen of twenty tons or upwards, built within the United States, and wholly owned by a citizen or citizens thereof; or not built within the United States, and on the sixteenth day of May, one thousand seven hundred and eighty-nine, wholly owned and thereafter continuing to be owned by a citizen or citizens of the United States, but not registered, if destined from district to district, or to the bank or whale fisheries, shall, in order to be entitled to all the privileges of a ship or vessel belonging to the United States, employed in the coasting trade or in the fisheries, be enrolled by the collector of the district where the owner, or one of the owners of such vessel may reside, and every vessel so enrolled, shall have her name and the name of the place to which she belongs painted on her stern, in manner directed by this act, for registered vessels, and such collector on due proof by oath or affirmation to him made by the owner or one of the owners of such ship or vessel of her name, burthen and denomination, and that she is of the description aforesaid, and of the names of the owner or owners, and of the master thereof, and that they are citizens of the United States, and of the place or places of residence of such owner or owners, shall enroll in a book to be kept for that purpose, the name of every such vessel, her burthen, where built, and denomination, the name or names, and place or places of residence of the owner or owners thereof, and that he or they, together with the master, are citizens of the United States, a description of the built of such vessel as aforesaid, and the date of the enrolment, and shall also grant to the owner or owners, a certificate, containing a copy of such enrolment, and transmit to the secretary of the treasury a copy of every such certificate of enrolment, to be by him recorded: and whenever the property of such ship or vessel shall be changed in whole or in part, the person or persons who shall then be owner or owners, or one of them, shall make known such change to the collector of the district where he or they may reside, and such collector is hereby authorized and directed to grant a new certificate of the enrolment of such ship or vessel by her former name, to such owner or owners, upon his or their delivering up the former certificate, which shall be sent to the office of the collector from whence it was issued, to be cancelled: *Provided*, That the master or owner of every vessel of less than twenty tons burthen, and not less than five tons, which shall be employed between any of the districts in the United States, shall cause the name of such vessel and of the place to which she belongs, to be painted on her stern in manner directed by this act for registered vessels, and shall annually procure a license from the collector of the district to which such vessel belongs, who is hereby authorized to give the same, purporting that such vessel is exempt from clearing and entering for the term of one year from the date thereof; and the master or owner of every such vessel shall give

bond with sufficient security for the payment of two hundred dollars to the United States, with condition that such vessel shall not be employed in any illicit trade or commerce; and before any new license shall be given for a succeeding year to the master of such vessel, he shall on oath or affirmation, declare that no illicit trade has been carried on in such vessel to his knowledge or belief during the time for which she was licensed.

SEC. 23. And be it further enacted, That the master, commander or owner of every ship or vessel of the burthen of twenty tons or upwards, to be employed in trade between different districts in the United States, and of every vessel to be employed in the bank or whale fisheries, having a certificate of registry or enrolment, as is herein directed, shall, upon application to the collector of the district where such vessel may lie, be entitled to receive a license to trade between the different districts in the United States, or to carry on the bank or whale fishery for one year, and it shall be the duty of the collector to grant the same; but no license shall be granted for any vessel until the owner or owners applying therefor, shall have paid the tonnage duty thereon, and shall enter into bond, with sufficient security, for the payment of one thousand dollars to the United States, with condition, that such vessel shall not within the time for which such license was granted, be employed in any illicit trade or commerce; and if any vessel of the burthen of twenty tons or upwards, not having a certificate of registry or enrolment, and a license, shall be found trading between different districts, or be employed in the bank or whale fisheries, every such ship or vessel shall be subject to the same tonnage, and fees, as foreign ships or vessels.

SEC. 24. And be it further enacted, That the master or commander of every ship or vessel bound to any foreign port, shall deliver to the collector of the district where such ship or vessel may be, a manifest of the cargo on board such ship or vessel, and on making oath or affirmation to the truth thereof, it shall be the duty of the said collector, to grant a clearance for such ship or vessel, and her loading; and if any ship or vessel bound to any foreign port, shall depart from the place of her loading without such clearance, the master, commander, consignee, or owner thereof, shall forfeit and pay the sum of two hundred dollars for every such offence.

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Approved, September 1, 1789.

779 No. 165.—1790, July 20: *United States Statute, Cap. 30.*

CHAP. XXX.—An Act imposing duties on the tonnage of ships or vessels.

SECTION 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon all ships or vessels which after the first day of September next, shall be entered in the United States from any foreign port or place, there shall be paid the several and respective duties following, that is to say: On ships or vessels of the United States at the rate of six cents per ton: on ships or vessels built within the United States after

the twentieth day of July last, but belonging wholly or in part to subjects of foreign powers, at the rate of thirty cents per ton: on other ships or vessels at the rate of fifty cents per ton.

SEC. 2. *And be it further enacted*, That the aforesaid duty of six cents per ton, shall be also paid upon every ship or vessel of the United States, which after the said first day of September next, shall be entered in a district in one state from a district in another state, other than an adjoining state on the sea-coast, or on a navigable river, having on board goods, wares and merchandise taken in one state to be delivered in another state: *Provided*, That it shall not be paid on any ship or vessel having a license to trade between the different districts of the United States, or to carry on the bank or whale fisheries, whilst employed therein, more than once a year.

SEC. 3. *And be it further enacted*, That upon every ship or vessel not of the United States, which after the said first day of September next, shall be entered in one district from another district, having on board goods, wares and merchandise taken in, in one district to be delivered in another district, there shall be paid at the rate of fifty cents per ton.

And whereas it is declared by the twenty-third section of the act, intituled "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes," "That if any vessel of the burthen of twenty tons or upwards, not having a certificate of registry or enrolment, and a license, shall be found sailing between different districts, or be employed in the bank or whale fisheries, every such ship or vessel shall be subject to the same tonnage and fees as foreign ships or vessels," which, from the impracticability in some cases of obtaining licenses in due season, and from misapprehension in others, has operated to the prejudice of individuals; and it being proper that relief should be granted in cases where the strict operation of new laws may have occasioned hardship and inconvenience:

SEC. 4. *Be it therefore further enacted*, That in all cases in which the said foreign duty shall have been heretofore paid on ships or vessels of the United States, whether registered at the time of payment or afterwards, restitution thereof shall be made, and that no such foreign duty shall hereafter be demanded on the said ships or vessels.

SEC. 5. *And be it further enacted*, That the act, intituled "An act imposing duties on tonnage," shall, after the said first day of September next, be repealed, and shall thenceforth cease to operate, except as to the collection of the duties which shall have accrued prior to the said repeal, for which purpose the said act shall continue in force.

Approved, July 20, 1790.

No. 166.—1790, August 4: Extract from United States Statute,
Cap. 35.

CHAP. XXXV.—An Act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels.

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SEC. 15. *And be it further enacted*, that if any ship or vessel which shall have arrived within the limits of any district of the United

States from any foreign port or place, shall depart or attempt to depart from the same, unless to proceed on her way to some more interior district to which she may be bound, before report or entry shall have been made by the master or other person having the charge or command of such ship or vessel, with the collector of some district of the United States, the said master or other person having such charge or command shall forfeit and pay the sum of four hundred dollars. And it shall be lawful for any collector, naval officer, surveyor, or commander of any of the cutters herein after mentioned, to arrest and bring back, or cause to be arrested and brought back, such ship or vessel, to such port of the United States to which it may be most conveniently done. *Provided*, that if it shall be made to appear by the oath of the said master or other person having the charge or command of such ship or vessel, and of the person next in command, or other sufficient proof to the satisfaction of the collector of the district within which such ship or vessel shall afterwards come, or to the satisfaction of the court in which the prosecution for such penalty may be had, that the said departure, or attempt to depart, was occasioned by distress of weather, pursuit or duress of enemies, or other necessity, the said penalty shall not be incurred.

SEC. 16. *And be it further enacted*, that within twenty-four hours after the arrival of any ship or vessel from any port or place, at any port of the United States established by law, at which an officer of the customs resides, or within any harbor, inlet or creek thereof, if the hours of business at the office of the chief officer of the customs at such port will permit, or as soon thereafter as the said hours will permit, the master or other person having the charge or command of such ship or vessel, shall repair to the said office, and shall make report to the said chief officer of the arrival of the said ship or vessel; and within forty-eight hours after such arrival, shall make a further report to the collector of the district in which such port may be, of the name, burthen and lading of such ship or vessel, whether in packages or stowed loose, and of the particular marks, numbers and contents of each package, and the place or places, person or persons to or for which or whom they are respectively consigned or destined, also of the place or places where she took in her lading, of what country built, from what foreign port or place she last sailed, who was master or commander of her during the voyage, who is at the time of such report master or commander of her, and (if a vessel of the United States) who are owners of her; unless the whole of such information required on the second report as aforesaid, shall have been given at the time of making the first report, in which case it shall not be necessary to make a further report. And in the cases in which the master or person having the charge or command of any ship or vessel herein before required to have on board at the time of her departure from such foreign port or place for the United States, a manifest or manifests of the lading of such ship or vessel, or of any part thereof, the said master or person having the said charge or command shall, at the time of making the said report, deliver the said manifest or manifests to the collector to whom the said report shall be made, and shall declare to the truth of such manifest or manifests, as the same ought to be, in conformity to the directions of this Act. And the said master or person having the charge or command of any such ship or vessel,

shall in each case declare that no part of her lading, since her departure from the said foreign port or place from which she shall be so reported to have last sailed, has been landed or unladed, or otherwise removed from on board of her, except as he shall then specify, together with the cause, time, place and manner; and shall further declare, that in case he shall afterwards discover or know of any goods, wares or merchandise, other than those by him then reported, he will forthwith thereafter make report thereof to the said collector: which report and declarations respectively shall be in writing, signed by the party making the same, and shall be attested by his oath, to the best of his knowledge and belief; and the said collector is hereby authorised and required to administer the same. And if the said master or person having the charge or command of any such ship or vessel shall neglect or omit to make the said reports, or either of them, and declaration or declarations, or to deliver the said manifest or manifests, or to take the said oath, as the case may require, he shall for every such offence forfeit and pay the sum of one thousand dollars.

SEC. 17. *Provided always, and be it further enacted,* That it shall not be necessary for the master or person having the charge or command of any ship or vessel of war, or of any ship or vessel employed by any prince or state, as a public packet for the conveyance of letters and dispatches, and not permitted by the laws of such prince or state to be employed in the transportation of goods, wares or merchandise in the way of trade, to make such report and entry as aforesaid.

SEC. 18. *And be it further enacted,* That it shall be lawful for the said ship or vessel to proceed with any goods, wares or merchandise brought in her which shall be reported by the said master or other person having the charge or command of the said ship or vessel, to be destined for any foreign port or place from the district within which such ship or vessel shall first arrive, to such foreign port or place, without paying or securing the payment of any duties upon such of the said goods, wares or merchandise, as shall be actually re-exported in the said ship or vessel accordingly; any thing herein contained to the contrary notwithstanding. *Provided always,* That the said master or person having the charge or command of the said ship or vessel shall first give bond with one or more sureties, in a sum equal to the amount of the duties upon the said goods, wares and merchandise, as the same shall be estimated by the collector to whom the said report shall be made, to the satisfaction of the said collector, with condition that the said goods, wares or merchandise, or any part thereof, shall not be landed within the United States, unless due entry thereof shall have been first made, and the duties thereupon paid or secured according to law, which bond shall be cancelled in like manner as bonds herein after directed to be given for obtaining drawbacks of duties. *Provided nevertheless,* That such bond shall not be required in respect to the goods on board of any ship or vessel which shall have put into the United States from necessity, to be made appear in manner herein after prescribed.

SEC. 19. *And be it further enacted,* That it shall be lawful for any ship or vessel in which any goods, wares or merchandise shall be brought into the United States from any foreign port or place, to proceed with the same from district to district within the United

States, in order to the landing or delivery thereof; and the duties on such of the said goods only as shall be landed in any district, shall be paid or secured to be paid within such district.

SEC. 20. *And be it further enacted,* That before any ship or vessel shall depart from the district in which she shall first arrive, for another district, with goods, wares or merchandise brought in such ship or vessel from a foreign port or place, the duties whereof shall not have been paid or secured, the master or person having the charge or command of such ship or vessel, shall obtain from the collector of the district from which she shall be about to depart (who is hereby required to grant the same) a copy of the report made by such master or person having the charge or command of such ship or vessel, certified by the said collector, together with a certificate of the quantity and particulars of the goods which shall appear to him to have been landed within his district. And within twenty-four hours after the arrival of such ship or vessel within any other district, the said master or person having the charge or command of such ship or vessel shall make report or entry to or with the collector of such other district, producing and showing the said certified copy of his said first report, together with a certificate from each collector of any other district within which any of the goods, wares or merchandise brought

in such ship or vessel shall have been before landed, of the
781 quantity and particulars of such of the said goods, wares and merchandise as shall have been so landed in each district respectively; except in the state of Georgia, where such report shall be made within forty-eight hours: *Provided always*, that the master or person having the charge or command of the said ship or vessel shall first give bond with one or more sureties to the satisfaction of the collector of the district within which the said ship or vessel shall first arrive, in a sum equal to the amount of the duties on the residue of the said goods, according to such estimate as the said collector shall form thereof, with condition that the said residue of the said goods shall be duly entered and delivered in such other district or districts of the United States, for which the same shall have been reported to be destined. And the said bond shall be cancelled or discharged by the production of a certificate or certificates from the collector or collectors of the district or districts for which the said goods shall have been reported, testifying the due entry and delivery of the said goods in such district or districts, or upon due proof to the satisfaction of the collector by whom the said bond shall have been taken, that such entry and delivery were prevented by some unavoidable accident or casualty, and that if the whole or any part of the said goods shall not have been lost, that the same has been duly entered and delivered within the United States. And if the master or person having charge or command of any such ship or vessel, shall fail by his neglect or fault to obtain the said copy of his said report from the collector of the district from which he shall be so about to depart, or of any certificate which he ought to obtain as aforesaid, or shall neglect to produce and show the same to the collector of any other district to which the said ship or vessel shall afterwards proceed, within the time for that purpose herein before specified, he shall forfeit and pay for every such neglect or omission five hundred dollars.



SEC. 30. *And be it further enacted*, That it shall be lawful for the collector of any district at which any ship or vessel may arrive, and for the surveyor of any port where any such ship or vessel may be, to put and keep on board such ship or vessel, while remaining within such district, or in going from one district to another, one or more inspectors to examine the cargo or contents of such ship or vessel, and to superintend the delivery thereof, or of so much thereof as shall be delivered within the United States; and to perform such other duties according to law, as they shall be directed by the said collector or surveyor to perform for the better securing the collection of the duties: *Provided*, That collectors only shall have power to put on board ships or vessels, inspectors to go from one district to another. And the said inspector or inspectors shall make known to the person having the charge or command of such ship or vessel, the duties he or they is or are so to perform; and shall suffer no goods, wares or merchandise to be landed or unladen from such ship or vessel, without a proper permit for that purpose; and shall enter in a book to be by him or each of them kept, the name or names of the person or persons in whose behalf such permit was granted, together with the particulars therein specified, and the marks, numbers, kinds and descriptions of the respective packages which shall be unladed pursuant thereto. And the wages or compensation of such inspector or inspectors in going from one district to another, shall be defrayed by the master or person having the charge of the vessel in which they respectively go.

SEC. 31. *And be it further enacted*, That it shall be lawful for all collectors, naval officers, surveyors, inspectors, and the officers of the revenue cutters herein after mentioned, to go on board of ships or vessels in any part of the United States, or within four leagues of the coast thereof, if bound to the United States, whether in or out of their respective districts, for the purposes of demanding the manifests aforesaid, and of examining and searching the said ships or vessels; and the said officers respectively shall have free access to the cabin, and every other part of a ship or vessel; and if any box, trunk, chest, cask, or other package, shall be found in the cabin, steerage or forecastle of such ship or vessel, or in any other place separate from the residue of the cargo, it shall be the duty of the said officer to take a particular account of every such box, trunk, cask or package, and the marks, if any there be, and a description thereof; and if he shall judge proper to put a seal or seals on every such box, chest, trunk, cask or package; and such account and description shall be by him forwarded to the collector of the district to which such ship or vessel is bound. And if upon her arrival at the port of her entry, the boxes, trunks, chests, casks or packages so described, or any of them shall be missing, or if the seals put thereon be broken, the master or commander of such ship or vessel shall forfeit and pay for every such box, trunk, chest, cask or package so missing, or of which the seals shall be broken, two hundred dollars. And it shall also be lawful for the inspectors who may be put on board of any ship or vessel, to secure after sunset in each evening, the hatches and other communications with the hold of such ship or vessel, with locks or other proper fastenings, which fastenings shall not be opened, broken or removed, until the morning following, or after the rising of the sun, and in presence of the inspector or inspectors by whom the same shall have

been affixed, except by special license from the chief officer of the port. And if the said locks or other fastenings, or any of them, shall be broken or removed during the night, or before the said rising of the sun, or without the presence of the said inspector or inspectors, the master or person having the charge or command of such ship or vessel, shall forfeit and pay the sum of two hundred dollars.

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SEC. 43. And be it further enacted, That the duties imposed by law on the tonnage of any ship or vessel, shall be paid to the collector by the master or person having the charge or command of such ship or vessel, within ten days after his report to the said collector, and before such ship or vessel shall be permitted to clear out; the register of which ship or vessel shall at the time of entry be lodged in the office of the collector, and there remain until such clearance. And if any ship or vessel shall leave, or attempt to leave any district of the United States, without paying the said duties, the master or person having the charge or command of the same shall forfeit and pay five hundred dollars.

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SEC. 73. And be it further enacted, That the master, or person having the charge or command of a ship or vessel bound to a foreign port or place, shall deliver to the collector of the district from which 782 such ship or vessel shall be about to depart, a manifest of the cargo on board the same, and shall make oath or affirmation to the truth thereof, whereupon the said collector shall grant a clearance for the said ship or vessel, and her cargo, but without specifying the particulars thereof, unless required by the said master or person having said charge or command. And if any ship or vessel bound to a foreign port or place, shall depart on her voyage to such foreign port or place without such clearance, the said master or person having the said charge or command, shall forfeit and pay the sum of two hundred dollars for such offence.

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Approved, August 4, 1790.

No. 167.—1793, February 18: Extract from *United States Statute*, Cap. 8.

CHAP. VIII.—An Act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same.

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SEC. 21. And be it further enacted, That when any ship or vessel, licensed for carrying on the fishery, shall be intended to touch and trade at any foreign port or place, it shall be the duty of the master, commander, or owner, to obtain permission for that purpose, from the collector of the district where such ship or vessel may be, previous to her departure, and the master or commander of every such ship or vessel, shall deliver like manifests, and make like entries, both of the ship or vessel, and of the goods, wares, or merchan-

dise on board within the same time, and under the same penalty, as by the laws of the United States, are provided for ships or vessels of the United States arriving from a foreign port. And if any ship or vessel, licensed for carrying on the fisheries, shall be found within three leagues of the coast, with goods, wares, or merchandise of foreign growth or manufacture, exceeding the value of five hundred dollars, without having such permission, as is herein directed, such ship or vessel, together with her goods, wares, or merchandise of foreign growth or manufacture imported therein, shall be subject to seizure and forfeiture.

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Approved, February 18, 1793.

No. 168.—1799, March 2: Extract from United States Statute, Cap. 22.

CHAP. XXII.—*An Act to regulate the collection of duties on imports and tonnage.*

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SEC. 60. *And be it further enacted*, that if any ship or vessel from any foreign port or place, compelled by distress of weather, or other necessity, shall put into any port or place of the United States, not being destined for the same, and if the master, or other person having the charge or command of any such ship or vessel, together with the mate or person next in command, shall, within twenty-four hours after her arrival, make protest in the usual form upon oath or affirmation, before a notary public, or other person duly authorized, or before the collector of the district, where the said ship or vessel shall so arrive, who is hereby empowered to administer the same, setting forth the cause, or circumstance of such distress, or necessity, which protest, if not made before the collector, shall be produced to him, and to the naval officer (if any there be) and a copy thereof lodged with him or them. And the master, or other person aforesaid, shall also, within forty-eight hours after such arrival, make report in writing to the said collector, of the said ship or vessel and her cargo, as is directed hereby to be done in other cases. And if it shall be made appear to the said collector, by the certificate of the wardens of the port, or other officers usually charged with, and accustomed to ascertain the condition of ships or vessels arriving in distress, if any such there be, or by the certificate of any two reputable merchants, to be named for that purpose by the said collector, if no such wardens, or other officers duly qualified there be, that there is a necessity for unlading the said ship or vessel, the said collector and naval officers (where any) shall grant a permit for that purpose, and shall appoint an inspector or inspectors to oversee such unlading, who shall keep an account of the same, to be compared with the report made by the master, or other person having the charge or command of such ship or vessel: and all goods, wares, and merchandise so unladen, shall be stored under the direction of the said collector, who, upon request of the master or person having the charge or command of such ship or vessel, or of the owner or owners thereof, shall, together with the naval officer, where there is one, and alone where there is none, grant permission to dispose of such part of the said cargo as may be of a perishable nature (if any there be) or

as may be necessary to defray the expenses attending such ship or vessel, and her cargo: *provided*, that entry shall be made therefor, and the duties thereon as in other cases shall be first paid, or
 783 secured to be paid: *And provided*, that in case the delivery of the cargo do not agree with the report thereof, made by the master or other person having the charge or command of such ship or vessel, and if the difference, or disagreement be not satisfactorily accounted for in manner prescribed by this act, the master, or other person having the charge or command of such ship or vessel, shall be liable to such penalties as in other like cases are by this act prescribed. And the said goods, wares and merchandise, or the remainder thereof, which shall not be disposed of as aforesaid, may afterwards be reladen on board the said ship or vessel, under the inspection of the officer who superintended the landing thereof, or other proper person; and the said ship or vessel may proceed with the same to the place of her destination, free from any other charge than for the storing and safe-keeping of the said goods, and fees to the officers of the customs as in other cases.

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SEC. 85. *And be it further enacted*, That in all cases where a ship or vessel shall be prevented by ice from getting to the port or place, at which her cargo is intended to be delivered, it shall be lawful for the collector of the district, in which such ship or vessel may be obstructed, to receive the report and entry of such ship or vessel, and with the consent of the naval officer (where there is one) to grant a permit or permits for unlading or landing the goods, wares, and merchandise imported in such ship or vessel, at any place within his district, which shall appear to him most convenient and proper: *Provided always*, that the report and entry of such ship or vessel, and her cargo, or any part thereof, and all persons concerned therein, shall be under and subject to the same rules, regulations, restrictions, penalties and provisions, as if the said ship or vessel had arrived at the port of her destination, and had there proceeded to the delivery of her cargo.

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Approved, March 2, 1799.

No. 169.—1804, March 27: Extract from United States Statute,
 Cap. 57.

CHAP. LVII.—An Act for imposing more specific duties on the importation of certain articles; and also, for levying and collecting light money on foreign ships or vessels, and for other purposes.

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SEC. 6. *And be it further enacted*, That a duty of fifty cents per ton, to be denominated "light money," shall be levied and collected on all ships or vessels not of the United States, which, after the aforesaid thirtieth day of June next, may enter the ports of the United States: *Provided however*, that nothing in this act shall be so construed as to contravene any provision of the treaty or conventions concluded between the United States of America and the French Republic, on the thirtieth day of April, one thousand eight hundred and

three: *And provided also*, that the said light money shall be levied and collected in the same manner, and under the same regulations, as the tonnage duties now imposed by law.

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Approved, March 27, 1804.

No. 170.—1817, *March 1: Extract from United States Statute, Cap. 31.*

CHAP. XXXI.—An Act concerning the navigation of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That after the thirtieth day of September next no goods, wares, or merchandise, shall be imported into the United States from any foreign port or place, except in vessels of the United States, or in such foreign vessels as truly and wholly belong to the citizens or subjects of that country of which the goods are the growth, production, or manufacture; or from which such goods, wares, or merchandise, can only be, or most usually are, first shipped for transportation: *provided, nevertheless*, that this regulation shall not extend to the vessels of any foreign nation which has not adopted, and which shall not adopt, a similar regulation.

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Approved, March 1, 1817.

784 No. 171.—1818, *April 18th: United States Statute, cap. 70.*

CHAP. LXX.—An Act concerning navigation.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, that from and after the thirtieth of September next, the ports of the United States shall be and remain closed against every vessel owned wholly or in part by a subject or subjects of His Britannic Majesty, coming or arriving from any port or place in a colony or territory of His Britannic Majesty that is or shall be, by the ordinary laws of navigation and trade, closed against vessels owned by citizens of the United States; and such vessel, that, in the course of the voyage, shall have touched at, or cleared out from, any port or place in a colony or territory of Great Britain, which shall or may be, by the ordinary laws of navigation and trade aforesaid open to vessels owned by citizens of the United States, shall, nevertheless, be deemed to have come from the port or place in the colony or territory of Great Britain, closed as aforesaid, against vessels owned by citizens of the United States, from which such vessel cleared out and sailed before touching at, and clearing out from, an intermediate and open port or place as aforesaid; and every such vessel, so excluded from the ports of the United States, that shall enter, or attempt to enter, the same, in violation of this Act, shall, with her tackle, apparel, and furniture, together with her cargo on board such vessel, be forfeited to the United States.

SEC. 2. And be it further enacted, that from and after the aforesaid thirtieth of September next, the owner, consignee, or agent, of every vessel, owned wholly or in part by a subject or subjects of His Britannic Majesty, which shall have been duly entered in any port of the United States, and on board of which shall have been there laden for exportation any article or articles, of the growth, produce, or manufacture, of the United States, other than provisions and sea stores necessary for the voyage, shall, before such vessel shall have been cleared outward at the custom-house, give bond, in a sum double the value of such articles, with one or more sureties, to the satisfaction of the collector, that the articles so laden on board such vessel for exportation, shall be landed in some port or place other than a port or place in a colony or territory of His Britannic Majesty, which by the ordinary laws of navigation and trade, is closed against vessels owned by citizens of the United States; and any such vessel that shall sail, or attempt to sail, from any port of the United States, without having complied with the provision aforesaid, by giving bond as aforesaid, shall, with her tackle, apparel, and furniture, together with the article or articles aforesaid, laden on board the same as aforesaid, be forfeited to the United States: *provided always*, that nothing in this Act contained shall be so deemed or construed, so as to violate any provision of the convention to regulate commerce between the territories of the United States and of His Britannic Majesty, signed the third day of July, one thousand eight hundred and fifteen.

SEC. 3. And be it further enacted, that the form of the bond aforesaid shall be prescribed by the Secretary of the Department of the Treasury; and the same shall and may be discharged, and not otherwise, by producing, within one year after the date thereof, a like certificate to that required by and under the regulations contained in the eighty-first section of the Act "to regulate the collection of duties on imports," passed the second day of March, seventeen hundred and ninety-nine, that the articles of the growth, produce, and manufacture, of the United States, laden as aforesaid, were unladen and landed conformably to the provisions of this Act, or, in cases of loss by sea, by capture, or other unavoidable accident, by the production of such other proofs as the nature of the case will admit, according to the provisions of the said eighty-first section of the Act aforesaid.

SEC. 4. And be it further enacted, that all penalties and forfeitures incurred by force of this Act, shall be sued for, recovered, distributed, and accounted for, and may be mitigated or remitted, in the manner and according to the provisions of the revenue laws of the United States.

Approved, April 18, 1818.

No. 172.—1820, May 15: *United States Statute, Cap. 122.*

CHAP. CXXII.—*An Act supplementary to an act, entitled "An Act concerning navigation."*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, that, from and after the thirtieth day of September next, the ports of the United States shall be and remain closed against every vessel owned wholly,

or in part, by a subject or subjects of His Britannic Majesty, coming, or arriving by sea, from any port or place in the province of Lower Canada, or coming or arriving from any port or place in the province of New Brunswick, the province of Nova Scotia, the islands of Newfoundland, St. Johns or Cape Breton, or the dependencies of any of them, the islands of Bermuda, the Bahama Islands, the 785 islands called Caicos, or the dependencies of any of them, or from any other port or place in any island, colony, territory, or possession, under the dominion of Great Britain in the West Indies, or on the continent of America, south of the southern boundary of the United States, and not included within the Act to which this Act is supplementary. And every such vessel, so excluded from the ports of the United States, that shall enter, or attempt to enter, the same, in violation of this Act, shall, with her tackle, apparel, and furniture, together with the cargo on board such vessel, be forfeited to the United States.

SEC. 2. *And be it further enacted*, that from and after the thirtieth day of September next, the owner, consignee, or agent, of every vessel, owned wholly, or in part, by a subject or subjects of His Britannic Majesty, which shall have been duly entered in any port of the United States, and on board of which shall have been there laden, for exportation, any article or articles of the growth, produce, or manufacture, of the United States, other than provisions and sea stores, necessary for the voyage, shall, before such vessel shall have been cleared outward at the custom-house, give bond in a sum double the value of such article or articles, with one or more sureties, to the satisfaction of the collector, that the article or articles so laden on board such vessel, for exportation, shall be landed in some port or place other than a port or place in any province, island, colony, territory, or possession, belonging to His Britannic Majesty, that is mentioned or described in this Act, or in the Act to which this Act is supplementary. And every such vessel that shall sail, or attempt to sail from any port of the United States, without having complied with the provisions aforesaid, by giving bond as aforesaid, shall, with her tackle, apparel, and furniture, together with the article or articles aforesaid, laden on board the same as aforesaid, be forfeited to the United States: *Provided*, that nothing herein contained shall be deemed or construed so as violate any provision of the convention to regulate commerce between the territories of the United States and of His Britannic Majesty, signed the third day of July, one thousand eight hundred and fifteen.

SEC. 3. *And be it further enacted*, that from and after the thirtieth day of September next, no goods, wares, or merchandise, shall be imported into the United States of America from the province of Nova Scotia, the province of New Brunswick, the islands of Cape Breton, St. Johns, Newfoundland, or their respective dependencies, from the Bermuda Islands, the Bahama Islands, the islands called Caicos, or either or any of the aforesaid possessions, islands, or places, or from any other province, possession, plantation, island, or place, under the dominion of Great Britain in the West Indies, or on the continent of America, south of the southern boundaries of the United States, except only such goods, wares, and merchandise, as are truly and wholly of the growth, produce, or manufacture, of the province, colony, plantation, island, possession, or place aforesaid, where the

same shall be laden, and from whence such goods, wares, or merchandise, shall be directly imported into the United States; and all goods, wares, and merchandise, imported, or attempted to be imported, into the United States of America, contrary to the provisions of this Act, together with the vessel on board of which the same shall be laden, her tackle, apparel, and furniture, shall be forfeited to the United States.

SEC. 4. *And be it further enacted*, that the form of the bond aforesaid shall be prescribed, and the same shall be discharged, and all penalties and forfeitures, incurred under this Act, shall be sued for, recovered, distributed, and accounted for, and the same may be mitigated, or remitted, in the manner, and according to the provisions, of the Act to which this Act is supplementary.

Approved, May 15, 1820.

No. 173.—1826, December 27, Statute of New Jersey: General Statutes of New Jersey, 1896.

FISH AND GAME.

I.—*Fisheries.*

2. RESPECTING NONRESIDENTS.

An Act concerning fisheries.

[Passed December 27, 1826.]

15. SEC. 1. That it shall not be lawful for any person or persons, not resident citizens of this state, to draw or use any net or seine for the purpose of taking or catching fish in any of the bays, flats, rivers or waters within the jurisdiction of this state; and every person so offending shall forfeit and pay for every such offense the sum of thirty dollars, to be recovered by action of debt, with costs, by any person who shall prosecute for the same, in any court of record having cognizance thereof, the one moiety thereof to the use of the prosecutor, and the other moiety to be paid to the county collector, for the use of the county in which the offense was committed: *provided always, nevertheless,* that nothing in this act shall be 786 so construed as to affect the right or privilege of any owner or owners, tenant or tenants, not resident in this state, from fishing upon or opposite to his, her, or their own shore in this state, or to prevent any resident owner or tenant from employing what hands he may think necessary to carry on the business of his or their fisheries; *provided, also,* that nothing in this act contained shall relate to, or in any wise affect the fisheries on the waters of the river Delaware.

16. SEC. 2. That in any action for the recovery of the above penalty, the same may be commenced by warrant in the court for the trial of small causes, and proceeded in as in other cases when the same is commenced by warrant, any law, usage or custom to the contrary notwithstanding.

No. 174.—1830, May 29: United States Statute, Cap. 207.

CHAP. CCVII.—An Act to amend the acts regulating the commercial intercourse between the United States and certain colonies of Great Britain.

Be it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled, that whenever the President of the United States shall receive satisfactory evidence that the Government of Great Britain will open the ports in its colonial possessions in the West Indies, on the continent of South America, the Bahama Islands, the Caicos, and the Bermuda or Somer Islands, to the vessels of the United States, for an indefinite or for a limited term; that the vessels of the United States and their cargoes, on entering the colonial ports aforesaid, shall not be subject to other or higher duties of tonnage or impost, or charges of any other description, than would be imposed on British vessels or their cargoes, arriving in said colonial possessions from the United States; that the vessels of the United States may import into the said colonial possessions from the United States any article or articles which could be imported in a British vessel into the said possessions from the United States; and that the vessels of the United States may export from the British colonies afore mentioned, to any country whatever, other than the dominions or possessions of Great Britain, any article or articles that can be exported therefrom in a British vessel, to any country other than the British dominions or possessions as aforesaid; leaving the commercial intercourse of the United States with all other parts of the British dominions or possessions, on a footing not less favourable to the United States than it now is, and that then, and in such case, the President of the United States shall be, and he is hereby, authorised at any time before the next session of Congress, to issue his proclamation, declaring that he has received such evidence; and, thereupon, from the date of such proclamation, the ports of the United States shall be opened, indefinitely or for a term fixed, as the case may be, to British vessels coming from the said British colonial possessions, and their cargoes, subject to no other or higher duty of tonnage or impost, or charge of any description whatever, than would be levied on the vessels of the United States, or their cargoes, arriving from the said British possessions; and it shall be lawful for the said British vessels to import into the United States, and to export therefrom, any article or articles which may be imported or exported in vessels of the United States; and the Act entitled “An Act concerning Navigation,” passed on the eighteenth day of April, one thousand eight hundred and eighteen; an Act supplementary thereto, passed the fifteenth day of May, one thousand eight hundred and twenty; and an Act, entitled “An Act to Regulate the Commercial Intercourse between the United States, and certain British Ports;” passed on the first day of March one thousand eight hundred and twenty-three, are, in such case, hereby declared to be suspended, or absolutely repealed, as the case may require.

SEC. 2. *And be it further enacted,* that, whenever the ports of the United States shall have been opened, under the authority given in the first section of this Act, British vessels and their cargoes shall be admitted to an entry in the ports of the United States, from the

islands, provinces, or colonies, of Great Britain, on or near the North American continent, and north or east of the United States.

Approved, May 29, 1830.

No. 175.—1830, October 5: *Proclamation of the President of the United States, opening to British Vessels the Trade between the British Colonial Possessions and the American Ports.*

By the President of the United States of America.

A PROCLAMATION.

Whereas, by an Act of the Congress of the United States, passed on the 29th day of May, 1830, it is provided, that whenever the
787 President of the United States shall receive satisfactory evi-
dence that the Government of Great Britain will open the
ports in its colonial possessions in the West Indies, on the continent
of South America, the Bahama Islands, the Caicos, and the Bermuda
or Somer Islands, to the vessels of the United States, for an indefinite
or for a limited term; that the vessels of the United States, and their
cargoes, on entering the colonial ports aforesaid, shall not be subject
to other or higher duties of tonnage or impost, or charges of any
other description, than would be imposed on British vessels, or their
cargoes, arriving in the said colonial possessions from the United
States; that the vessels of the United States may import into the
said colonial possessions, from the United States, any article or
articles which could be imported in a British vessel into the said
possessions, from the United States; and that the vessels of the United
States may export from the British colonies aforesaid, to any
country whatever, other than the dominions or possessions of Great
Britain, any article or articles that can be exported therefrom in a
British vessel, to any country other than the British dominions or
possessions as aforesaid—leaving the commercial intercourse of the
United States, with all other parts of the British dominions or pos-
sessions, on a footing not less favourable to the United States than it
now is; that then, and in such case, the President of the United States
shall be authorized, at any time before the next session of Congress,
to issue his proclamation, declaring that he has received such evi-
dence; and that, thereupon, and from the date of such proclamation,
the ports of the United States shall be opened indefinitely, or for a
term fixed, as the case may be, to British vessels coming from the
said British colonial possessions, and their cargoes, subject to no other
or higher duty of tonnage or impost, or charge of any description
whatever, than would be levied on the vessels of the United States,
or their cargoes, arriving from the said British possessions; and that
it shall be lawful for the said British vessels to import into the
United States, and to export therefrom, any article or articles which
may be imported or exported in vessels of the United States; and
that the Act, entitled "An Act concerning Navigation," passed on the
18th day of April, 1818, and Act supplementary thereto, passed the
15th day of May, 1820, and an Act, entitled "An Act to regulate the
Commercial Intercourse between the United States and certain Brit-

ish Ports," passed on the 1st day of March, 1823, shall, in such case, be suspended, or absolutely repealed, as the case may require:

And whereas, by the said Act, it is further provided, that, whenever the ports of the United States shall have been opened under the authority thereby given, British vessels and their cargoes shall be admitted to an entry in the ports of the United States, from the islands, provinces, or colonies of Great Britain, on or near the North American continent, and north or east of the United States:

And whereas satisfactory evidence has been received by the President of the United States, that, whenever he shall give effect to the provisions of the Act aforesaid, the Government of Great Britain will open, for an indefinite period, the ports in its colonial possessions in the West Indies, on the continent of South America, the Bahama Islands, the Caicos, and the Bermuda or Somer Islands, to the vessels of the United States, and their cargoes, upon the terms, and according to the requisitions of the aforesaid Act of Congress:

Now, therefore, I, Andrew Jackson, President of the United States of America, do hereby declare and proclaim that such evidence has been received by me; and that by the operation of the Act of Congress, passed on the 29th day of May, 1830, the ports of the United States are, from the date of this proclamation, open to British vessels coming from the said British possessions, and their cargoes, upon the terms set forth in the said Act; the Act, entitled "An Act concerning Navigation," passed on the 18th day April, 1818, the Act supplementary thereto, passed the 15th day of May, 1820, and the Act, entitled "An Act to regulate the Commercial Intercourse between the United States and certain British Ports," passed the 1st day of March, 1823, are absolutely repealed; and British vessels, and their cargoes, are admitted to an entry in the ports of the United States, from the islands, provinces, and colonies of Great Britain, on or near the North American continent, and north or east of the United States.

Given under my hand, at the city of Washington, the 5th day of October, in the year of our Lord 1830, and the 55th of the independence of the United States.

ANDREW JACKSON.

By the President:

M. VAN BUREN, *Secretary of State.*

No. 176.—1862, March 15: *United States Statute, Cap. 43.*

CHAP. XLIII.—An Act for a Joint Commission for the preservation of the Atlantic Fisheries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized to appoint a Commissioner, to meet such Commissioner as may be appointed on the part of Great Britain, and also one on the part of France, together to form a Joint Commission to frame measures to protect the fisheries off

the coast of Newfoundland and North America against deterioration and destruction by means of set lines on the spawn banks, and like destructive practices.

788 SEC. 2. *And be it further enacted*, That, to enable the President to carry into effect this Act, the sum of three thousand dollars be and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

Approved, March 15, 1862.

No. 177.—1866, July 18: Extract from United States Statute, Cap. 201.

CHAP. CCI.—An Act further to prevent Smuggling and for other Purposes.

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SEC. 41. *And be it further enacted*, That it shall be the duty of the master of any foreign vessel, laden or in ballast, arriving in the waters of the United States from any foreign territory adjacent to the northern, northeastern, or northwestern frontiers of the United States, to report at the office of any collector or deputy collector of the customs, which shall be nearest to the point at which such vessel may enter said waters; and such vessel shall not proceed further inland, either to unload or take in cargo, without a special permit from such collector or deputy collector, issued under and in accordance with such general or special regulations as the Secretary of the Treasury may in his discretion, from time to time, prescribe. And for any violation of this section such vessel shall be seized and forfeited.

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Approved, July 18, 1866.

No. 178.—1871, March 28: Extract from Statute of Delaware, Chapter 72, Vol. 14, as amended to 1893.

An Act for the protection of fishermen.

SECTION 1. [It shall be unlawful for any person not being a citizen of this State to catch or take fish of any kind in the Delaware bay or river, or any of the creeks emptying into the same, within the limits of this State, nor shall any person, being a citizen of this State, have transferred to him, or in any way have control over or possession of any boat, vessel, or net, which shall be owned, in whole or in part, by any person who is not a citizen of this State, and which is used for the purpose of fishing in the Delaware bay or river, or any of the tributaries thereof, within the limits of this State.] *Provided* that transient vessels may catch fish for their own immediate use. If any master of a boat or vessel, or other person, shall violate this section, he shall be deemed guilty of a misdemeanor, and shall pay to the State a fine of fifty dollars, and the boat or vessel used in such violation of the law, with all her tackle, apparel and furniture, and all her

implements for fishing, gill-net or seine, or any contrivance for taking fish, and anything so taken shall be forfeited and may be seized and detained for trial by any officer or person. Such trial may be had before any justice of the peace, and if condemned, the property seized shall be sold by his order, and the proceeds, deducting costs and charges, be equally divided among the captors:

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SEC. 6. [Every person being a citizen of this State, who may desire to fish in the Delaware bay or river, for market, with nets, shall make an affidavit before a justice of the peace of this State, stating that he is a bona fide citizen of the State of Delaware, giving his place of residence and the length of time he has resided at said place, and that he is the true and legal owner of the boat and net to be used in fishing; that he will not use such boat and net, or either of them, in the interest of any person not a citizen of this State. Said affidavit shall be filed in the office of the justice of the peace before whom it is made, and the party making said affidavit shall procure from the justice of the peace a certificate, stating that such an affidavit has been made, and exhibit and show the same to any person demanding an inspection of the same. The affidavit required to be made and certificate obtained under this section shall be made and obtained before the first day of April in each and every year such person proposes to fish. Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars, and shall also forfeit the boat, or net, or both, as the case may be, used in fishing.] *[Provided,* that the provisions of this section shall apply to those citizens of this State only who may desire to fish for sturgeon or with nets exceeding seventy-five (75) fathoms in length.]

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SEC. 8. It shall be unlawful for any person to make use of any gill-seine of a less mesh than ten inches for the purpose of catching fish in the River Delaware, within the jurisdiction of this State, above the southern point of Reedy Island, between the tenth day of June and the tenth day of August in any year, and he, she, or they 789 so offending shall forfeit or pay the sum of one hundred dollars, together with costs of suit, for each and every offence, and one-half of said penalty shall be paid to the informer.

SEC. 9. It shall be unlawful for any person to cast, draw, fasten, or otherwise make use of any net, trap, device, or contrivance for the purpose of catching [shad] in the River Delawaare, or the bay thereof, within the jurisdiction of this State, between the hours of (eight) on Saturday and midnight of Sunday, throughout the year, and he, she, or they, so offending, shall forfeit and pay the sum of fifty dollars, together with costs of suit, for each and every offence, and one-half of said penalty shall be paid to the informer.

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Passed at Dover, March 28, 1871.

No. 179.—1878: *Extracts from Revised Statutes of the United States 1878, Titles XXXIV, XLVIII, and L.*

TITLE XXXIV.—COLLECTION OF DUTIES UPON IMPORTS.

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CHAPTER FOUR.—Entry of merchandise.

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SEC. 2793. Enrolled or licensed vessels engaged in the foreign and coasting trade on the northern, northeastern and northwestern frontiers of the United States, departing from or arriving at a port in one district to or from a port in another district, and also touching at intermediate foreign ports, shall not thereby become liable to the payment of entry and clearance fees, or tonnage tax, as if from or to foreign ports; but such vessel shall, notwithstanding, be required to enter and clear.

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TITLE XLVIII.—REGULATION OF COMMERCE AND NAVIGATION.

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CHAPTER THREE.—Tonnage duties.

SEC. 4219. [Upon vessels which shall be entered at any custom-house in the United States, from any foreign port or place, there shall be paid the respective duties following: On vessels of the United States, thirty cents a ton; on vessels built within the United States, but belonging wholly or in part to subjects of foreign powers, sixty cents per ton; on foreign vessels entered in the United States from any foreign port to and with which vessels of the United States are not ordinarily permitted to enter and trade, two dollars and thirty cents per ton; on other vessels, thirty cents per ton: Provided, That the President of the United States shall be satisfied that the discriminating or countervailing duties of any foreign nation to which such vessels belong, so far as they operate to the disadvantage of the United States, have been abolished; otherwise, eighty cents per ton: And provided, That nothing in this section shall impair any rights or privileges which have been or may be acquired by any foreign nation, under the laws and treaties of the United States, relative to the duty of tonnage on vessels]. [Upon vessels which shall be entered in the United States from any foreign port or place there shall be paid duties as follows: On vessels built within the United States but belonging wholly or in part to subjects of foreign powers, at the rate of thirty cents per ton; on other vessels not of the United States, at the rate of fifty cents per ton. Upon every vessel not of the United States, which shall be entered in one district from another district, having on board goods, wares, or merchandise taken in one district to be delivered in another district, duties shall be paid at the rate of fifty cents per ton. Nothing in this section shall be deemed in any wise to impair any rights or privileges which have been or may be acquired by any foreign nation under the laws and treaties of the

United States relative to the duty of tonnage on vessels. On all foreign vessels which shall be entered in the United States from any foreign port or place, to and with which vessels of the United States are not ordinarily permitted to enter and trade, there shall be paid a duty at the rate of two dollars per ton; and none of the duties on tonnage above mentioned shall be levied on the vessels of any foreign nation if the President of the United States shall be satisfied that the discriminating or countervailing duties of such foreign nations, so far as they operate to the disadvantage of the United States, have been abolished. In addition to the tonnage-duty above imposed, there shall be paid a tax, at the rate of thirty cents per ton, on vessels which shall be entered at any custom-house within the United States from any foreign port or place; and any rights or privileges acquired by any foreign nation under the laws and treaties of the United States relative to the duty of tonnage on vessels shall not be impaired; and any vessel any officer of which shall not be a citizen of the United States shall pay a tax or fifty cents per ton.]

SEC. 4220. No vessel belonging to any citizen of the United States, trading from one port within the United States to another port within the United States, or employed in the bank, whale, or other fisheries, shall be subject to tonnage tax or duty, if such vessel be licensed, registered or enrolled.

SEC. 4221. In cases of vessels making regular daily trips between any port of the United States and any port in the Dominion of Canada, wholly upon interior waters not navigable to the ocean, no tonnage or clearance fees shall be charged against such vessel by the officers of the United States, except upon the first clearing of such vessel in each year.

SEC. 4222. No consul or consular agent of the United States shall exact tonnage fees from any vessel of the United States, touching at or near ports in Canada, on her regular voyage from one port to another within the United States, unless such consul or consular agent shall perform some official services, required by law for such vessel, when she shall thus touch at a Canadian port.

SEC. 4223. The tonnage duty imposed on all vessels engaged in foreign commerce shall be levied but once within one year, and, when paid by such vessel, no further tonnage tax shall be collected within one year from the date of such payment. But this provision shall not extend to foreign vessels entered in the United States from any foreign port, to and with which vessels of the United States are not ordinarily permitted to enter and trade.

SEC. 4224. Vessels which pay tonnage duties once in a year shall pay the same either at their first clearance from or entry at, according to priority, a custom-house in the United States in each calendar year. Nothing in this section shall be construed to prevent customs officers from collecting such tonnage duty at the entry of vessels at their respective custom-houses during the calendar year if the same has not previously been paid for such year.

SEC. 4225. A duty of fifty cents per ton, to be denominated "light money," shall be levied and collected on all vessels not of the United States, which may enter the ports of the United States. Such light-money shall be levied and collected in the same manner and under the same regulations as the tonnage duties.

SEC. 4226. The preceding section shall not be deemed to operate upon unregistered vessels, owned by citizens of the United States, and carrying a sea-letter, or other regular document, issued from a custom-house of the United States, proving the vessel to be American property. Upon the entry of every such vessel from any foreign port, if the same shall be at the port at which the owner or any of the part owners reside, such owner or part owners shall make oath that the sea-letter or other regular document possessed by such vessel contains the name or names of all the persons who are then the owners of the vessel; or if any part of such vessel has been sold or transferred since the date of such sea-letter or document, that such is the case, and that no foreign subject or citizen has, to the best of his knowledge and belief, any share, by way of trust, confidence, or otherwise, in such vessel. If the owner or any part owner does not reside at the port or place at which such vessel shall enter, then the master shall make oath to the like effect. If the owner or part owner, where there is one, or the master, where there is no owner, shall refuse to so swear, such vessel shall not be entitled to the privileges granted by this section.

SEC. 4227. Nothing contained in this Title shall be deemed in any wise to impair any rights and privileges which have been or may be acquired by any foreign nation under the laws and treaties of the United States relative to the duty on tonnage of vessels, or any other duty on vessels.

* * * * *
TITLE L.—REGULATION OF VESSELS IN DOMESTIC COMMERCE.
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SEC. 4364. Whenever any vessel, licensed for carrying on the fishery, is intended to touch and trade at any foreign port, it shall be the duty of the master or owner to obtain permission for that purpose from the collector of the district where such vessel may be, previous to her departure, and the master of every such vessel shall deliver like manifests, and make like entries, both of the vessel and of the merchandise on board, within the same time, and under the same penalty, as are by law provided for vessels of the United States arriving from a foreign port.

SEC. 4365. Whenever a vessel, licensed for carrying on the fisheries, is found within three leagues of the coast, with merchandise of foreign growth or manufacture, exceeding the value of five hundred dollars, without having such permission as is directed by the preceding section, such vessel, together with the merchandise of foreign growth or manufacture imported therein, shall be subject to seizure and forfeiture.

SEC. 4366. The master of every vessel employed in the transportation of merchandise from district to district, that shall put into a port other than the one to which she was bound, shall within twenty-four hours of his arrival, if there be an officer residing at such port, and she continue there so long, make report of his arrival to such officer, with the name of the place he came from, and to which he is bound, with an account of his lading; and every master who neglects or refuses so to do shall be liable to a penalty of twenty dollars.

SEC. 4367. The master of every foreign vessel bound from a district in the United States to any other district within the same, shall, in all cases, previous to her departure from such district, deliver to the collector of such district duplicate manifests of the lading on board such vessel, if there be any, or, if there be none, he shall declare 791 that such is the case; and to the truth of such manifest or declaration he shall swear, and also obtain a permit from the collector, authorising him to proceed to the place of his destination.

SEC. 4368. The master of every foreign vessel, on his arrival within any district from any other district, shall, in all cases, within forty-eight hours after his arrival, and previous to the unlading of any goods from on board such vessel, deliver to the collector of the district where he may have arrived, a manifest of the goods laden on board such vessel, if any there be; or if in ballast only, he shall so declare; he shall swear to the truth of such manifest or declaration, and shall also swear that such manifest contains an account of all the merchandise which was on board such vessel at the time, or has been since her departure from the place from whence she shall be reported last to have sailed; and he shall also deliver to such collector the permit which was given him from the collector of the district from whence he sailed.

SEC. 4369. Every master of any foreign vessel who neglects or refuses to comply with any of the requirements of the two preceding sections, shall be liable to a penalty of one hundred dollars. Nothing therein contained shall, however, be construed as affecting the payment of tonnage, or any other requirements to which such vessels are subject by law.

* * * * *

SEC. 4371. Every vessel of twenty tons or upward, other than registered vessels found trading between district and district, or between different places in the same district, or carrying on the fishery without being enrolled and licensed, or if less than twenty tons and not less than five tons, without a license, in the manner provided by this title, if laden with merchandise the growth or manufacture of the United States only, distilled spirits excepted, or in ballast, shall pay the same fees and tonnage in every port of the United States at which she may arrive as vessels not belonging to a citizen of the United States; and, if she have on board any articles of foreign growth or manufacture, or distilled spirits, other than sea-stores, she shall, together with her tackle, apparel, and furniture, and the lading found on board, be forfeited.

* * * * *

No. 180.—1884, June 26: Extract from *United States Statute*,
Cap. 121.

CHAP. 121.—An Act to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade and for other purposes.

* * * * *

SEC. 14. That in lieu of the tax on tonnage of thirty cents per ton per annum heretofore imposed by law, a duty of three cents per ton,

not to exceed in the aggregate fifteen cents per ton in any one year, is hereby imposed at each entry on all vessels which shall be entered in any port of the United States from any foreign port or place in North America, Central America, the West India Islands, the Bahama Islands, the Bermuda Islands, or the Sandwich Islands, or Newfoundland; and a duty of six cents per ton, not to exceed thirty cents per ton per annum, is hereby imposed at each entry upon all vessels which shall be entered in the United States from any other foreign ports: *Provided*, That the President of the United States shall suspend the collection of so much of the duty herein imposed, on vessels entered from any port in the Dominion of Canada, Newfoundland, the Bahama Islands, the Bermuda Islands, the West India Islands, Mexico and Central America down to and including Aspinwall and Panama, as may be in excess of the tonnage and light house dues, or other equivalent tax or taxes, imposed on American vessels by the government of the foreign country in which such port is situated and shall upon the passage of this act, and from time to time thereafter as often as it may become necessary by reason of changes in the laws of the foreign countries above mentioned, indicate by proclamation the ports to which such suspension shall apply, and the rate or rates of tonnage duty if any to be collected under such suspension. *And provided further*, That all vessels which shall have paid the tonnage tax imposed by section forty-two hundred and nineteen of the Revised Statutes for the current year, shall not be liable to the tax herein levied until the expiration of the certificate of last payment of the said tax. And sections forty-two hundred and twenty-three and forty-two hundred and twenty-four and so much of section forty-two hundred and nineteen of the Revised Statutes as conflicts with this section, are hereby repealed.

* * * * *

Approved, June 26, 1884.

792 No. 181.—1886, June 19: Extract from *United States Statute, Cap. 421.*

CHAP. 421.—An act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purpose.

* * * * *

SEC. 11. That section fourteen of “An Act to remove certain burdens on the American merchant marine and encourage the American foreign carrying-trade, and for other purposes,” approved June twenty-sixth, eighteen hundred and eighty-four, be amended so as to read as follows:

SEC. 14. That in lieu of the tax on tonnage of thirty cents per ton per annum imposed prior to July first, eighteen hundred and eighty-four, a duty of three cents per ton, not to exceed in the aggregate fifteen cents per ton in any one year, is hereby imposed at such entry on all vessels which shall be entered in any port of the United States from any foreign port or place in North America, Central America, the West India Islands, the Bahama Islands, the Bermuda Islands,

or the Coast of South America, bordering on the Caribbean Sea, or the Sandwich Islands, or Newfoundland:

And a duty of six cents per ton, not to exceed thirty cents per ton per annum, is hereby imposed at each entry upon all vessels which shall be entered in the United States from any other foreign ports, not, however, to include vessels in distress or not engaged in trade:

Provided, that the President of the United States shall suspend the collection of so much of the duty herein imposed, on vessels entered from any foreign port, as may be in excess of the tonnage and light-house dues, or other equivalent tax or taxes, imposed in said port on American vessels by the Government of the foreign country in which such port is situated, and shall, upon the passage of this act, and from time to time thereafter as often as it may become necessary by reason of changes in the laws of the foreign countries above mentioned, indicate by proclamation the ports to which such suspension shall apply, and the rate or rates of tonnage-duty, if any, to be collected under such suspension:

Provided further, That such proclamation shall exclude from the benefits of the suspension herein authorized the vessels of any foreign country in whose parts the fees or dues of any kind or nature imposed on vessels of the United States, or the import or export duties on their cargoes, are in excess of the fees, dues, or duties imposed on the vessels of the country in which such port is situated, or on the cargoes of such vessels;

And section forty-two hundred and twenty-three and forty-two hundred and twenty-four, and so much of section forty-two hundred and nineteen of the Revised Statutes as conflicts with this section, are hereby repealed.

SEC. 12. That the President be, and hereby is, directed to cause the Governments of foreign countries which, at any of their ports, impose on American vessels a tonnage-tax or light-house dues or other equivalent tax or taxes, or any other fees, charges, or dues, to be informed of the provisions of the preceding section, and invited to co-operate with the Government of the United States in abolishing all light-house dues, tonnage-taxes, or other equivalent tax or taxes on, and also all other fees for official services to, the vessels of the respective nations employed in the trade between the ports of such foreign country and the ports of the United States.

No. 182.—1887, March 3: *United States Statute, Cap. 339.*

CHAP. 339.—An Act to authorise the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels, in certain cases, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the President of the United States shall be satisfied that American fishing vessels or American fishermen, visiting or being in the waters or at any ports or places of the British dominions of North America, are or then lately have been denied or abridged in the enjoyment of any rights secured to them by treaty or law, or are or then lately

have [been] unjustly vexed or harassed in the enjoyment of such rights, or subjected to unreasonable restrictions, regulations, or requirements in respect of such rights; or otherwise unjustly vexed or harassed in said waters, ports or places; or whenever the President of the United States shall be satisfied that any such fishing vessels or fishermen, having a permit under the laws of the United States to touch and trade at any port or ports, place or places in the British dominions of North America, are or then lately have been denied the privilege of entering such port or ports, place or places in the same manner and under the same regulations as may exist therein applicable to trading vessels of the most favoured nation, or shall be unjustly vexed or harassed in respect thereof, or otherwise be unjustly vexed or harassed therin, or shall be prevented from purchasing
793 such supplies as may there be lawfully sold to trading vessels of the most favoured nation; or whenever the President of the United States shall be satisfied that any other vessels of the United States, their masters or crews, so arriving at or being in such British waters or ports or places of the British dominions of North America, are or then lately have been denied any of the privileges therein accorded to the vessels, their masters or crews, of the most favoured nation, or unjustly vexed or harassed in respect of the same, or unjustly vexed or harassed therein by the authorities thereof, then, and in either or all of such cases, it shall be lawful, and it shall be the duty of the President of the United States, in his discretion, by proclamation to that effect, to deny vessels, their masters and crews, of the British dominions of North America, any entrance into the waters, ports, or places of, or within the United States (with such exceptions in regard to vessels in distress, stress of weather, or needing supplies as to the President shall seem proper), whether said vessels shall have come directly from said dominions on such destined voyage or by way of some port or place in such destined voyage elsewhere; and also, to deny entry into any port or place of the United States of fresh fish or salt fish or any other product of said dominions, or other goods coming from said dominions to the United States. The President may, in his discretion, apply such proclamation to any part or to all of the foregoing-named subjects, and may revoke, qualify, limit, and renew such proclamation from time to time as he may deem necessary to the full and just execution of the purposes of this Act. Every violation of any such proclamation, or any part thereof, is hereby declared illegal, and all vessels and goods so coming or being within the waters, ports, or places of the United States contrary to such proclamation shall be forfeited to the United States; and such forfeiture shall be enforced and proceeded upon in the same manner and with the same effect as in the case of vessels or goods whose importation or coming to or being in the waters or ports of the United States contrary to law may now be enforced and proceeded upon. Every person who shall violate any of the provisions of this Act, or such proclamation of the President made in pursuance hereof, shall be deemed guilty of a misdemeanour, and, on conviction thereof, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment for a term not exceeding two years, or by both said punishments, in the discretion of the court.

Approved, March 3, 1887.

No. 183.—1896, April 7: Extract from Statute of Maryland, Cap. 441.

An Act to add new sections to Article thirty-nine of the Code of Public General Laws, title "Fish and Fisheries," to be known as sub-title, "Chesapeake Bay," to follow Section eighty-nine of said Article thirty-nine, and to be designated as Sections ninety, ninety-one, ninety-two, ninety-three, ninety-four, ninety-five, ninety-six, ninety-seven, ninety-eight, ninety-nine, one hundred and one hundred and one.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That the following new sections be and the same are hereby added to Article 39, Code of Public General Laws, title "Fish and Fisheries," sub-title "Chesapeake Bay," said new sections to be designated as sections 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 and 101, and to read as follows:

90. Any resident of this State desiring to engage in the business of taking or catching of fish for sale, by the use of pound nets, fykes, haul seines or other contrivances, except hook and line, within the waters of the Chesapeake Bay, below Pool's island, and within the jurisdictional limits of the State of Maryland, shall first obtain by application to the clerk of the Circuit Court for the county wherein he may reside, or the clerk of the Court of Common Pleas of Baltimore city, a license therefor, and such license shall have effect from the first day of February, in the year in which it may have been obtained, to the first day of February, inclusive, next succeeding; and provided further, that such license shall not authorize the taking or catching of fish, except with hook and line, within the jurisdictional limits of any county or counties in this State.

91. Each and every license to take or catch fish for sale under the provision of section 90 of this article, shall state the name, age and residence of the person to whom the same is to be granted, and every applicant for such license shall pay to the clerk of the Circuit Court or the clerk of the Court of Common Pleas of Baltimore city when such license shall be granted and before the delivery of the same, the sum of five dollars; the clerk to receive the sum of twenty-five cents per each and every license so issued, as a fee for issuing the same, including the administering of the oath when required; and the said amount of license received for issuing same shall be paid over by the clerk into the treasury of the State of Maryland, to be credited to the "Oyster Fund."

92. Every applicant for license to take or catch fish for sale, under the provisions of this article, shall be required to make oath or affirmation before the clerk authorized to issue the same, or before some justice of the peace, on whose certificate of the taking of such oath or affirmation, the clerk shall issue said license that "the facts set forth in said license are strictly true; that he has been a *bona fide* resident of the State of Maryland for the twelve months next preceding his application for said license, and that no non-resident of the State of Maryland is either directly or indirectly interested in use of said pound net, fyke or haul seine or other contrivance used in taking fish for sale, or any boat or vessel used in the prosecution of said fishing, of pound nets, fykes, haul seines, or other contrivances in the taking or catching of fish for sale."

794 93. The comptroller of the treasury shall cause to be printed and delivered to the clerk of the Circuit Courts for the several

counties the requisite number of such blank licenses, and take receipt for the same, and for other licenses furnished; and said clerk shall, on the first Monday in July and December, of each year, return to the comptroller a list and account of such licenses issued by them and at the end of each year shall return all unused blank licenses to him, and shall pay over to the comptroller all the moneys received by them for such license, which amount the said comptroller shall place to the credit of the oyster fund.

94. It shall not be lawful for any person in taking fish for sale by the use of pound nets, fykes or other contrivances, now known or hereafter invented, to set such pound nets, fyke nets or other contrivances, now known or hereafter invented, in waters of the Chesapeake bay, within the jurisdictional limits of the State of Maryland, and below Pool's island, in the Chesapeake bay, at a greater length than 800 yards from low water mark; and any person violating this section shall, upon conviction thereof, before some justice of the peace of any county of this State most accessible, shall [Sic.] be fined the sum of not less than twenty or more than one hundred dollars, or shall forfeit said net or nets, together with the boats and tackles used in the violation of sections 90, 91, 92, 93, 94, 95, 96, 97, 98, of this article, or both fine and forfeiture, at the discretion of the justice of the peace trying the same; provided, that the party feeling aggrieved shall have the right of appeal as in other cases tried before justices of the peace; and provided further, that in case of appeal, the person appealing shall give to the State of Maryland a good and sufficient bond, covering double the amount of the fine or forfeiture, in case of forfeit, so as to secure to the State the amount of fine and forfeiture, in case he does not prosecute his appeal with effect.

95. Any non-resident of this State violating either sections 90, 91, 92, 93, 94, 95, 96, 97, or 98 of this article, by the use of any pound net, fyke net, haul seine or other contrivance, now known or hereafter invented, in the taking or catching of fish, shall, on conviction thereof, before some justice of the peace of any county of this State most accessible, forfeit said pound net, fyke net, haul seine or other contrivance, now used or hereafter invented for taking fish, together with all boats, vessels, tackle used in violation of this act, or fined a sum of not less than fifty dollars and not more than one hundred dollars, or both fine and forfeiture, in the discretion of the justice of the peace trying the same, provided the person feeling aggrieved shall have the right of appeal to the circuit court of said county, under the provisions, of the 94th section of this article.

96. It shall be the duty of the commander of the State fishery force to command the deputies under his charge, to see that the provisions of sections 90 to 98, inclusive, of this article, are not violated, and to arrest all persons found violating any provisions of sections 90 to 98 inclusive, of this article, and take the said offender or offenders to the nearest or most accessible justice of the peace of any of the counties of this State, to be dealt with according to law.

97. All fines collected by the justices of the peace, under the provisions of sections 90 to 98, inclusive, of this article, shall, within ten days thereafter, be paid to the clerk of the Circuit Court of the county in which the justice of the peace may reside, and by the said clerk be paid into the Treasury of the State, to be credited to the Oyster Fund, and that the provisions of these sections of the sub-

title "Chesapeake Bay," shall not apply in any sense to any of the tributaries of the Chesapeake Bay.

98. The use of pound nets or stake nets shall be absolutely prohibited in the Chesapeake bay, north of a line one mile south of Pool's Island, except the bay shore of Kent county up to Howell's Point at the mouth of Sassafras river, and also on the Susquehanna river; and any person who shall engage in fishing for sale, with the use of said pound nets, stake nets or similar contrivance now used or hereafter invented, shall be subject to the same fines and penalties as are prescribed in section 94 of this article. And provided further, that all persons using haul seines and similar contrivances, except pound nets and stake nets, which are hereby prohibited, shall pay the same license and be subject to the provisions of all the sections under the sub-title "Chesapeake Bay," of this article, except gill nets, which are exempted.

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Approved, April 7, 1896.

795

MISCELLANEOUS.

No. 184.—1880, June 8: *German Notice respecting the Observance by German Fishermen of the Limits of Danish Coast Fishing-Grounds.*

DEUTSCHES REICHS.

Bekanntmachung.

Die Königlich dänische Regierung beabsichtigt, im bevorstehenden Sommer das Kanonenboot "Villemoes" und der dänischen Küste zu stationiren, um die Fischerei in den dänischen Küstengewässern zu überwachen. Der Kommandant des "Villemoes" wird angewiesen werden, die fremden Fischer, welche innerhalb der dänischen Küstengewässer widerrechtlich zu fischen versuchen, von dort zu entfernen. Als zu diesen Küstengewässern gehörig wird von der Königlich dänischen Regierung der Raum angesehen, welcher sich bis zu einer Entfernung von drei Seemeilen von der äussersten Grenze des Landes in das Meer erstreckt: die Buchten, deren Eingang eine Breite von zehn Seemeilen nicht überschreitet, werden als geschlossene Gewässer betrachtet.

Zur Verhütung von Weiterungen und Nachtheilen werden die betheiligten deutschen Fischer auf die beabsichtigte Maszregel aufmerksam gemacht und vor dem Eindringen in die dänischen Fischer-eigründe gewarnt.

Berlin, den 8. Juni 1880.

In Vertretung des Reichskanzlers:

HOHENLOHE.

[Translation from Hertslet's Commercial Treaties.]

The Royal Danish Government intends to station the gun-boat *Villemoes* during the present summer on the Danish Coast, in order to guard the fishing in the Danish waters. The commander will re-

ceive orders to drive away foreign fishermen who attempt illegally to fish within Danish waters. The Royal Danish Government will consider as belonging to these waters the space up to the three sea miles out to sea from the extreme limit of the land; bays, the entrances to which do not exceed 10 miles, will be considered as inland waters.

To prevent complications and difficulties, German fishermen are requested to take notice of the intended measure, and are warned not to penetrate into Danish fishing-grounds.

(For the Chancellor),

HOHENLOHE.

Berlin, June 8, 1880.

No. 185.—1888, March 1: Extract from French Law, prohibiting Fishing by Foreign Vessels in the Territorial Waters of France and Algiers.

No. 19032.—Loi ayant pour objet d'interdire le pêche aux étrangers dans les eaux territoriales de France et d'Algérie.

Du 1^{er} mars 1888.

[Promulguée au *Journal officiel* du 2 mars 1888.]

Le Sénat et la Chambre des Députés ont adopté,

Le Président de la République promulgue la loi dont la teneur suit :

ART. 1^{er}. La pêche est interdite aux bateaux étrangers dans les eaux territoriales de la France et de l'Algérie, en deçà d'une limite qui est fixée à trois milles marins au large de la laisse de basse mer.

Pour les baies, le rayon de trois milles est mesuré à partir d'une ligne droite tirée en travers de la baie, dans la partie la plus rapprochée de l'entrée, au premier point où l'ouverture n'excède pas dix milles. Dans chacun des arrondissements maritimes, et pour l'Algérie, des décrets déterminent la ligne à partir de laquelle cette limite est comptée.

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