

ANNO QUINTO

GEORGII IV. REGIS.

CAP. LI.

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*

The following Acts and Parts of Acts repealed, viz. 10 & 11 W. 3. c. 25.: So much of 15 G. 3. c. 31. as relates to

the Occupation of vacant Spaces in Newfoundland, drying Fish, &c.:

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 Seans 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.

So much of 26 G. 3. c. 26. as relates to Wages, &c.;

And so much of 29 G. 3. c. 53. as relates to landing and drying Fish.

Aliens not to fish in Newfoundland or its Dependencies, Privileges granted by Treaty excepted.

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.

Privilege of taking, curing, and drying Fish to be freely enjoyed by His Majesty's Subjects, who may occupy vacant Places, cut down Trees for building, and do every thing useful for their Fishing Trade.

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

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 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.

Certificates to be granted for Vessels cleared out for the Fishery, for which 1s. shall be paid.

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, if 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

On Arrival Report to be made of such Certificate, and for Registry thereof a Fee not exceeding 5s. shall be paid.

On finally quitting the Fishery the usual Clearance shall be obtained.

Vessels having on board any Goods other than Fish, &c. to forfeit the Fishing Certificate.

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 herein-before contained to the contrary notwithstanding.

Penalty on Persons throwing out Ballast, &c. to the Prejudice of the Harbours.

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.

Preventing Annoyances in hauling Nets.

No Person shall take Fish out of the Net of another.

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 Seans in the customary Baiting Places in *Newfoundland*, or the Dependencies thereof, or shoot his or their Net or Sean within or upon the Net or Sean 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 Sean of any other Person or Persons whatsoever, lying adrift or drover for Bait by Night.

Agreements to be made with Seamen or Fishermen for Wages.

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 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 herein-before 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, Plaint, 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.

Employers not to advance more than Three-fourths of Wages during Time of Service; and the Balance at the Expiration of Agreement.

Penalty.

Limitation of Actions.

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 herein-before 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.

Agreements to be produced by Hirer in case of Dispute concerning Wages.

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 *bonâ fide* supply Bait to such Seaman or Fisherman for the Use and Benefit of the Hirer or Employer of such Seaman or Fisherman.

Fish and Oil subject in the first Place to Payment of Wages.

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

Penalty on Persons absenting themselves from Duty.

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.

Instructions may be given to Governor of Newfoundland for Purposes of fulfilling Treaties, &c. with Foreign States.

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.

Penalty on Persons neglecting to comply with such Instructions, 50*l*.

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

Governor of Newfoundland empowered to dispose of Ships Rooms.

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 "Ships 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.

His Majesty may grant waste Lands, &c.

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 anywise notwithstanding.

Penalties imposed may be sued for in Courts of Record in Newfoundland.

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.

Continuance of Act.

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.

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