

paring to fish within such distance of such coasts, bays, creeks or harbors within such parts of His Majesty's Dominions in America, out of the said limit 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 contained in this Act shall apply, or be construed to apply to the ships, or subjects of any Province, 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 harbors, or within the limits in this Act described; provided always, that it shall and may be lawful for any fisherman of the said United States to enter into any such bays or harbors of His Britannic Majesty's Dominions in America as are last mentioned for the purpose of shelter and repairing damages therein, 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 harbors, or in any other manner whatever abusing the said privileges by the said treaty and this Act reserved to them, and it shall for that purpose be imposed by any order or orders to be from time to time made by His Majesty in Council under the authority of this Act, and by any regulations which shall be issued by the Governor or person exercising the office of Governor in any such parts of His Majesty Dominions in America, under or in pursuance of any such Order in Council as aforesaid.

“ And 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 in 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 harbors, 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.”

This was followed by Colonial Legislation on the same lines. Nova Scotia, New Brunswick and Prince Edward Island adopted enactments to the like effect, and also establishing the penalty of forfeiture of vessels found “ fishing, or preparing to fish, or to have been fishing within three marine miles of the coasts, bays, creeks or harbors ” and also a penalty of