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5 Geo. IV.—SESS. 1824.

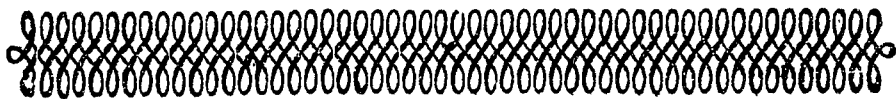
A

B I L L

To make Provision for the better Conduct of the
Fisheries on the Banks of *Newfoundland*.

Ordered, by The House of Commons, to be Printed,
4 May 1824.

4 May 1824.



A

B I L L

To make Provision for the better Conduct of the Fisheries
on the Banks of *Newfoundland*.

WHEREAS it is expedient to repeal and amend divers Statutes and Laws relating to *Newfoundland*, and to make such further Provisions as the present state and condition of the Colony require; **B**E it therefore **E**nacted 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
5 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 encourage-
10 ment of the Fisheries carried on from *Great Britain, Ireland* and the "*British Dominions in Europe*, and for securing the Return of the
15 "Fishermen, Sailors and others employed in the said Fisheries, to the
"Ports thereof, at the end of the Fishing Season," as relates to the mas-
ters 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
20 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 dis-
25 putes and offences; and also so much of another Act passed in the

Preamble.
Certain Acts repealed:
11 W. 3.
15 G. 3.

276. A twenty-

26 G. 3. 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 directing or intending to direct the selling, bartering, exchanging or purchasing of any ship, vessel, boat or other thing, to, with or from the subjects of any Foreign state, and the detaining, searching, seizing or forfeiting any such ship vessel or other thing; 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.

Aliens not to fish. 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 as aforesaid; 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 drying fish only to be held by His Majesty's subjects arriving from the British dominions in Europe. AND whereas 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, which right or privilege has hitherto only been enjoyed by His Majesty's subjects residing in *Newfoundland*, or arriving there from the *British dominions in Europe*; BE it Enacted and Declared, That the said right and privilege shall not be held and enjoyed by any of His Majesty's subjects arriving at *Newfoundland* from any country, except from the *British dominions in Europe*; and that no Fish taken or caught by any of His Majesty's subjects arriving at *Newfoundland* from any other country, except from the said *British dominions in Europe*, shall be permitted to be landed or dried on the shores of *Newfoundland*, or any island adjacent thereto.

Vessels not restrained as to days and hours of working. And be it further Enacted, That all vessels which shall be fitted and cleared out as fishing ships only, from some port or place in the *British dominions in Europe*, and which shall be actually employed in the Fishery in *Newfoundland*, or any of the dependencies thereof, 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 such Fishery, shall not be liable to

to any restraint or regulation with respect to days or hours of working, nor to make any entry at the Custom House 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

5 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 fishing ships; any law custom or usage to the contrary notwithstanding: Provided nevertheless, That in case any such fishing

10 ship or vessel shall at her last clearing out from the said Island of *Newfoundland* have on board or export any goods or merchandize whatsoever, other than Fish, or oil made of Fish, such ship or vessel, and such other goods therein laden, shall be subject and liable to the same securities restrictions and regulations in all respects as they would have

15 been subject and liable to if this Act had not been made; any thing hereinbefore contained to the contrary notwithstanding.

AND for preserving the said harbours from all annoyances, BE it further Enacted, That no ballast stones or any thing else hurtful to or annoying any of the harbours there, shall be thrown out of any ship

20 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.

Preventing
detriment to
Harbours.

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

25 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

30 other person or persons whatsoever, lying a-drift or drove in for bait by night.

Preventing
annoyances
in hauling
nets.

And be it further Enacted, That it shall not be lawful to or for any person or persons concerned or employed in carrying on the said

35 Fishery, from and after the _____ to use or cause to be used on the shores of the said Island of *Newfoundland*, any sean or net of any kind or description whatsoever, for the purpose of catching Fish, by drawing or hauling such sean or net on shore, or touching such sean or net into any boat or boats, the meshes of which said sean or net shall or may not severally form a square of at least

40 _____ inches every way, under the penalty of forfeiting the sum of _____ for every such offence.

Size of
meshes.

And be it Enacted, That no person or persons whatsoever shall employ or cause to be employed at *Newfoundland*, or any of the

276. _____ dependencies

Agreements
for wages.

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. 5

Employers not to advance more than of wages during time of service; the balance at the expiration of agreement.

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 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 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 and 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 the sum of 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 and if commenced in any of His Majesty's courts of record at Westminster within from the time of the commission of such offence. 10 15 20 25 30 35

Agreements to be produced in case of dispute concerning wages.

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. 40

Fish and Oil subject in the first place to payment of wages.

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 45

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 *bona fide* supply bait to such seaman or fisherman for the use and benefit of the hirer or
5 employer of such seaman or fisherman.

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
10 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 days pay or shares not exceeding

Penalty on persons absenting themselves from duty.

to such hirer or employer; and if any such seaman or fisherman shall wilfully absent himself from his said duty or employ
15 for the space of _____ 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
20 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
25 imprisoned, and afterwards to be put on board a passage ship, in order to his being conveyed back to the county whereto he belongs.

AND whereas it is of great importance to the trade manufacture and navigation of His Majesty's dominions in *Europe*, that all trade and mercantile intercourse between His Majesty's subjects residing or carrying on Fishery in *Newfoundland*, or any of the dependencies thereof, with
30 the Islands of *Saint Pierre* and *Miquelon*, or with the subjects of any foreign state carrying on the Fisheries at *Newfoundland*, or the dependencies thereof; should be prohibited; BE it further Enacted, That it shall not be lawful for any person or persons residing in or carrying on
35 Fishery in the said Island of *Newfoundland*, or on the banks, or any other of the dependencies of *Newfoundland*, 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 seans nets or other implements or utensils,
40 or any kind of bait whatsoever, used or which may be used in the catching or curing of Fish, or any kind of fish, oil, blubber, seal skins, peltry, fuel, wood or timber, to or with any inhabitant or inhabitants of the said Island of *Saint Pierre* or *Miquelon*, or either of them, or to or with any subject or subjects of any foreign state or power which

Trade with Foreigners carrying on Fisheries at Newfoundland prohibited.

shall carry on the Fisheries at *Newfoundland*, or within any of the dependencies of the government thereof, or shall be there for the purpose of carrying on such Fisheries.

Penalty on persons bartering with Foreigners.

And be it further Enacted, That if any person or persons residing or carrying on Fishery in *Newfoundland*, or the banks or dependencies 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 seans 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 such inhabitant of *Saint Pierre* or *Miquelon*, or to any subject or subjects of any foreign state, it shall and may be lawful to and for any Justice or Justices of the peace in *Newfoundland*, or the dependencies thereof aforesaid, 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 sessions; and all and every such person or persons, if found guilty of the said offence at such sessions, shall forfeit and pay the value of the articles so 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 on the offender's goods and chattels by warrant to be granted by the said court of sessions 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 hereinbefore directed with respect to deserters or persons agreeing to desert.

Penalty on persons supplying Foreigners with certain commodities.

AND whereas it is highly injurious to the trade and manufacture of His Majesty's dominions in *Europe*, that persons residing or carrying on Fishery in the Island of *Newfoundland*, or the banks of any of the dependencies of *Newfoundland*, should be supplied with any goods or commodities whatsoever by the said inhabitants of *Saint Pierre* or *Miquelon*, or by the subjects of any foreign state carrying on the Fishery as aforesaid; BE it therefore Enacted, That no person or persons residing or carrying on the Fishery as aforesaid, 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 and assisting in the purchasing, bartering for, or taking in exchange, any goods or commodities whatsoever, from any such inhabitant or inhabitants of

the Islands of *Saint Pierre* or *Miquelon* as aforesaid, or from any subject or subjects of any foreign state carrying on the Fisheries of *Newfoundland*, or any of the dependencies thereof, or being there for such purpose; and that every person or persons residing or carrying on Fishery in
 5 *Newfoundland*; or on the banks or dependencies thereof as aforesaid, who shall then 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 in like
 manner as before directed, and committed to prison; and on due con-
 10 viction of such offence as aforesaid before the court of sessions, shall forfeit
 the value of such goods or commodities
 so purchased, or taken in barter or exchange, or procured to be pur-
 chased or taken in barter or exchange, or in the purchase barter or
 taking of which in exchange, such person shall have been aiding or
 15 assisting; and the same shall be levied of the offender's goods and
 chattels by warrant to be granted by the said court of sessions 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
 20 manner as is hereinbefore directed with respect to deserters or persons
 going to desert: Provided always, that nothing in this Act contained
 shall affect or be construed to affect any trade or intercourse which may
 by any law in force at the passing of this Act, be carried on between
 His Majesty's subjects residing or being at *Newfoundland*, and the sub-
 25 jects of any other state whatever, but that such trade or intercourse
 shall be and continue upon the same footing as if this Act had not been
 passed.

AND whereas the laws in force may not be sufficient to prevent the
 export or sale of ships vessels and boats, and other the goods and com-
 30 modities hereinbefore enumerated and prohibited to be sold to the sub-
 jects of any foreign state, or the purchase and import of the goods and
 commodities of such foreign states; BE it further Enacted, 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 *Newfoundland*
 35 aforesaid, to stop and detain all and every ship vessel or boat of what
 nature or description soever, coming to or going from *Newfoundland*, or
 any of the dependencies thereof, 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*, or on the banks
 40 of *Newfoundland*, which he or they 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 if upon
 such search or examination it shall appear to such officer or officers that
 45 there is reasonable ground to believe that such ship vessel or boat, or

British officers
 may search
 vessels sus-
 pected of sup-
 plying foreign
 states.

that any tackle apparel or furniture used or which may be used by any such 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, contrary to the provisions of this Act, 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 contrary to the provisions of this Act; then and in every such case to seize and send back such ship vessel or boat to *Newfoundland*; and that such ship vessel or boat, and such goods and commodities so found on board shall and may be prosecuted for that purpose, by the officer or officers so seizing the same, in the supreme court of *Newfoundland*, and upon due condemnation, shall be forfeited and given, one moiety to the said officer or officers, and the other moiety to His Majesty, His Heirs and Successor, to be applied to the public uses of the Government of *Newfoundland*.

Instructions may be given to Governor of Newfoundland for purposes of fulfilling treaties, &c. with foreign states.

And be it further Enacted, 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 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.

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 _____ to be recovered in the supreme

supreme court 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 and prosecute for the same : Provided always, That every such suit or prosecution, if the same be commenced in *Newfoundland*, shall be commenced within
5 and if commenced in any of His Majesty's courts of record at Westminster within from the time of the commission of such offence.

10 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
15 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
20 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.

Governor of
Newfound-
land em-
powered to
dispose of
Ships rooms.