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ANNO REGNI
GEORGI III.
REGIS

Magnæ Britannie, Franciæ, & Hiberniæ,

DECIMO QUINTO.

At the Parliament begun and holden at *Westminster*, the
Twenty-ninth Day of *November*, Anno Domini 1774, in the
Fifteenth 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, &c.

Being the First Session of the Fourteenth Parliament of *Great Britain*.



L O N D O N :

Printed by CHARLES EYRE and WILLIAM STRAHAN,
Printers to the King's most Excellent Majesty.

MDCCLXXV.

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K.
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ANNO DECIMO QUINTO

Georgii III. Regis.

C A P. XXXI.

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 impor-

Preamble.

tant 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 these 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

After Jan. 1, 1776, Bounties to be given to Vessels fitted out from Great Britain or Ireland for the Newfoundland Fishery.

qualified as by Act 10 & 11 Gul. III.

land from the Banks thereof, with a Cargo of Fish caught 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 Vessel's 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 Governour 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 Governour 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

Certificates to be produced to the Collector of Customs from the Governour of Newfoundland, of the Qualification of Ships, &c.

Masters and Mates to make 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 caught on the Banks of Newfoundland; which Certificate and Oath the said Governour 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 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 authorized 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.

Certificates and Oaths to be granted and administered without Fee.

Collectors of Customs to pay the Bounties.

Any Part of Newfoundland not in use may be used for curing and drying Fish.

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.

What Bounties are to be given to Ships fitted out for

And in order to induce His Majesty's Subjects in Great Britain and Ireland, and the Islands of Guernsey, Jersey,

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 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, 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 Gulph of Saint Lawrence, or on the Coasts of Labrador, Newfoundland, or in any Seas to the Southward of the Greenland Seas and Davis's Streights, 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 authorized 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 authorized and required to order the Receiver General of His Majesty's

the Whale
Fishery,

Masters and
Mates making
Oath, &c.

His Majesty's

Majesty's Customs to pay, out of any Honey 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 intitled thereto, or their Assigns duly authorized to demand the same.

Receiver-
General of His
Majesty's Cust-
oms to pay the
Bounties.

What Persons
are intitled to
the Privilege
of drying Fish
on the Banks
of Newfoundland.

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 Year 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.

Provisions, and
all Necessaries
for fishing,
may be ex-
ported from
Ireland and
the Isle of Man,
to Newfoundland,
being

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 to 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 Articles being the Product or Manufacture of Great Britain, or the said Isle of Man, any Law, Custom, or Usage, to the contrary notwithstanding.

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 authorized 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,

Masters of Vessels to produce Certificates from the Officer of Customs, that the Provisions, &c. are the Product, &c. of Great Britain or Ireland.

On Failure, &c. the Ship to be forfeited.

shall be liable to be seized and forfeited in the same Manner as they would have been subject and liable if this Act had not been made, any Thing herein contained to the contrary notwithstanding.

No Fishing Ships, or any Craft carrying Necessaries for the Fishery, to be liable to any Restraint as to Time of working,

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 Sixpence 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.

nor to make any Entry at the Customhouse, &c.

If Ships have on Board any other Goods than Fish or Oil, &c. they shall be under the usual Restrictions, &c.

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, any Thing herein-before contained to the contrary notwithstanding.

Act 25 Car. II. allowing Train Oil, &c. to be imported Duty-free, recited,

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,

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.

and after Sept. 1, 1775, extended to all Ships belonging to Great Britain, Ireland, Guernsey, etc.

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,

After Sept. 1, 1775, undressed Seal Skins may be imported Duty-free.

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.

Not to extend to any Seal Skins except those imported by Ships qualified as aforesaid,

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 authorized 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 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.

and duly entered at the Customhouse, &c.

No Shipmaster to carry any Fishermen, &c. as Passengers to any Part of the Continent of America without Permission,

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 Governour of the said Island of Newfoundland, under the Penalty of forfeiting Two hundred Pounds for every such Offence.

under the Penalty of 200*l*.

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

Regulations for Persons employing Seamen or Fishermen at Newfoundland.

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.

Employers to pay to Fishermen, *etc.* only Half of their Wages, and the other Half in Bills, *etc.* at their Return Home.

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, Liqueor, 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

Penalty on Employers neglecting to comply.

Sum of Ten Pounds, to the Use of such Person or Persons who shall inform or sue for the same.

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 Hired 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.

If any Dispute arise, Employers obliged to produce the Contract.

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.

All Fish and Oil liable to the Payment of Wages.

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 Hired or Employer, or shall wilfully neglect or refuse to work according to the true Intent and Meaning of such Contract or 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 Hired 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 Hired 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 Governour 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 Witnesses 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

Penalty on Seamen or Fishermen absenting themselves from their Employers without Leave.

Gobernoz 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 publickly whipped as a Tagrant, and afterwards to be put on Board a Passage Ship, in order to his being conveyed back to the Countrey whereto he belongs.

Disputes, and all Offences, to be determined by the Court of Session, etc. at Newfoundland.

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 Hired 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.

Act 6 Anne, respecting Sailors employed in Trading Ships, etc. in America not liable to be impressed, repealed.

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.

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-six, there shall be paid in 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 Dounce 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,

Rum, &c. imported into Newfoundland from America to pay a Duty of 1 s. per Gallon.

How such Duty is to be collected, recovered, and applied.

(except the necessary Charges of raising, collecting, lebying, 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.

After Dec. 25,
1775, Bounties
granted by
Act 11 Geo. III.
extended to
Ireland.

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 Streights, 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,

Pro-

Officers to certify that Ships are properly fitted out, before they proceed on their Voyage.

Provisions, Boats, Fishing Lines, and Instruments to be used in such Fishery as herein-after are mentioned; that he 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 impowered 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 Straights, 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 Ships 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

A
 Commissioners of the Revenues in Ireland, on receiving such Certificates, to grant Licence, &c.

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.

What Number of Men, Lines, Boats, &c. Ships of certain Dimensions shall have on Board.

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 intituled 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. *

On Return of Ships, proper Officers to go on Board and inspect the Cargo, &c.

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 impowered and

required

and take an Account of the Names of the Masters, Harpooners, &c.

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 of some other Ship duly licensed for that Voyage, pursuant to the Directions of this Act; all which Schedule, Certificate, Licence, and Dath, 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 as shall proceed on the said Fishery from the Twenty-fifth Day of December, One thousand

Commissioners being satisfied of the faithful Dealings of the Master, etc. to pay the Bounties as directed, according to the Admeasurement of the Ships.

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.

Certain Pro-
visoes respect-
ing Ships be-
fore any Per-
son be intitled
to the Bounty.

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 Whale 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 Streights, 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 licensed 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.

If Monies
arising from
the Old Subsidy
be not suffici-
ent to pay
Bounties, any
other Reve-
nue Money
may be taken.

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

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.

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 Streights 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.

Commissioners, at the Beginning of every Session of Parliament, to lay before them an Account of the Ships employed in the Whale Fishery, &c.

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.

Ships under 200 Tons intitled to a Bounty proportionable to their Admeasurement.

Provided always, and be it enacted by the Authority aforesaid, That no Ship to be employed in the said Fishery, although he 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.

Ships above 400 Tons not intitled to a larger Bounty than a 400 Ton Ship;

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

and Owners not obliged to equip, &c. more than a Ship of 400 Tons.

hundred Tons only is, by this present Act, required to be fitted out, equipped, and manned.

No Appren-
tice, when in-
dentured, to
exceed 13, nor
be under 14
Years;

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.

and no Bounty
to be paid
unless Ships
employed be-
long to some
of His Ma-
jesty's Subjects
where fitted
out.

Bounties may
be insured.

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 Britain, 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.

Persons giving
false Certifi-
cates, &c. to
forfeit 500 £

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, erase, alter, or falsify, any Certificate required or directed by this Act, or shall knowingly or wil-

ingly 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.

And it is hereby further enacted by the Authority aforesaid, That One Society 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 Successors, and the other Society 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 Westminster 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.

Forfeitures how to be applied.

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 Judgement, 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 Colonies or Plantations in America, it shall and may be lawful for such Party to appeal from such Judgement, 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.

Forfeitures incurred in Newfoundland to be sued for in the Vice Admiralty Court in said Island.

Persons aggrieved may appeal to the proper Admiralty Court in Britain.

Duties on Goods exported or imported to be under the Direction of the Commissioners of Customs, &c.

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, 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.

Deputations granted by the Commissioners for North America, before Jan. 1, 1776, to any Officers for Newfoundland to be in Force.

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.

Persons sued for any Thing done in pursuance of this Act may plead the General Issue,

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 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

Shall be nonsuited, or discontinue his Action after the Defendant or Defendants have appeared, or if Judgement shall be given upon any Verdict or Demurrer against the Plaintiff, the Defendant or Defendants shall recover and recover Treble Costs. Treble Costs, and have the like Remedy for the same as Defendants have in other Cases by Law.

F I N I S.