

## C A P. LVI.

*An act to continue and amend an act, made in the twenty-sixth year of the reign of his present Majesty, intituled, An act for the more effectual encouragement of the British fisheries.—[May 1795.]*

Preamble.

26 Geo. 3. c. 81. and

27 Geo. 3. c. 10. recited,

and continued for 2 years.

Vessels clearing out between June 1, and Nov. 30, entitled to bounties.

Herrings not entitled to 20s. per ton, but to 18s. per barrel, afterwards cured, to be paid 18s. per barrel more.

**W**HEREAS an act was passed in the twenty-sixth year of his present Majesty's reign, intituled, An act for the more effectual encouragement of the British fisheries; which act was to continue in force from the first day of June one thousand seven hundred and eighty-seven, for the space and term of seven years, and from thence to the end of the then next session of parliament: and whereas an act was passed in the twenty-seventh year of his present Majesty's reign, to extend the provisions of the said act: and whereas it is expedient that the said first-mentioned act, together with the alterations and amendments made in the same by the last-mentioned act, should be continued for a limited time, with amendments therein: be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commoners in this present parliament assembled, and by the authority of the same, That the said act, passed in the twenty-sixth year of his present Majesty's reign, together with the alterations and amendments made therein by the said act passed in the twenty-seventh year of his present Majesty's reign, shall be and continue in force from and after the first day of June one thousand seven hundred and ninety-five, for the space and term of two years, and from thence to the end of the then next session of parliament.

II. Provided always, and be it further enacted, That any boat or vessel which shall clear out of some port in Great Britain in the said fishery, between the first day of June and the twentieth day of November in one and the same year, and shall proceed immediately upon the said fishery, shall entitle the owner or owners thereof to the bounties granted by the said acts, or either of them, in the same manner as if such boat or vessel had cleared out of some port in Great Britain between the first day of June and the first day of October in one and the same year; any thing to the contrary of the said acts, or either of them, to the contrary notwithstanding.

III. And be it further enacted, That for all herrings which shall be landed from any boat or vessel not entitled to the bounty of twenty shillings per ton, but entitled to the bounty of one shilling per barrel, granted by the said act passed in the twenty-sixth year of his present Majesty's reign, and which shall afterwards be properly salted and cured, there shall be paid a bounty of one shilling per barrel, in addition to the bounty of one shilling per barrel, granted by the said act, for such herrings.

IV. And whereas doubts have arisen whether herrings which shall have been landed at the fishing places upon the coasts of Great Britain and sprinkled with salt, to be afterwards carried coastwise in bulk to the residence

*vidence of the curers, were not subject to forfeiture; to remove which doubts, and for the greater encouragement of the British fishery, be it hereby enacted by the authority aforesaid, That the curers of Herrings, &c. residing in any part of Great Britain, shall and may, sprinkled with curing the time of each and every season of the British fishery, salt on landing, may be carry coastwise in bulk, free of any duty whatever, herrings, or ling, hake, and salmon, actually taken in the herring fishery, wise in bulk that shall have been landed and deposited in any warehouse or free of duty. store under the care and inspection of the salt officers at any place of fishery upon the British coasts, and there sprinkled with salt taken out of any warehouse under the revenue locks, for the uses of the British fishery, which salt shall have been deposited, during the time of the fishery, in any store or warehouse for the purpose only of sprinkling such herrings, or other fish so taken, to preserve them until the same shall be afterwards carried coastwise to that part of Great Britain where such herrings or other fish are to be entirely cured, or otherwise disposed of: provided always, That it shall be expressed in the cocquet, transire, or other coast dispatch to accompany the said herrings and other fish, that no bounty whatever has been paid or claimed upon the said herrings and other fish at any time previous to the shipping of the same to be carried coastwise; and that the said herrings and other fish shall be subject to all the restrictions, regulations, penalties, and forfeitures, now in force under this, or any other act or acts for the security of the duties on salt.*

Cocquet to express that no bounty has been paid on such fish.

*§ V. And whereas by an act passed in Scotland in the third session of the first parliament of her late majesty Queen Anne, intituled, An Act for advancing and establishing the fishing trade in and about this kingdom, it is among other things enacted, That it shall be lawful to the sheriffs, baillies of regalities, and magistrates of burghs, or any having commission from them, not only to visit on all occasions the curing and packing of herring or white fish in their respective bounds, and also to pitch on any barrel after it is made up and marked, and cause break open the same, and raise the herrings, if they think fit, from the very bottom; and in case they be not cured or packed as in the said act is ordained, or that they be broken, bruised, split, or not gutted herring or fish among them, the said sheriffs, baillies, magistrates, or others commissioned by them, after the same is clearly proven by experienced and famous witnesses, are thereby ordained to secure the whole casks where the said insufficient herring or white fish shall be found, and the persons to whom they belong shall pay for each last one hundred marks Scots, the half to be given to the discoverer and the rest to the poor of the parish, and proportionally for smaller quantities of such insufficient herring or white fish, and the said insufficient herring or fish shall be discharged to be exported at any time thereafter: be it enacted, That so much of the said in part recited act as relates to the securing of casks of herrings for or in respect of any ungutted herrings being found therein, and to any fine or penalty to be paid by the person or persons to whom any casks of herrings shall belong in respect of any ungutted herrings being found therein,*

Act in Scotland of 3d session of 1st parliament of Queen Anne, recited,

and in part repealed.

therein, and to the discharging of the exportation of any casks of herrings for or in respect of any ungutted herrings being found therein, be, and the same is hereby repealed.

VI. *And whereas it frequently happens that arrestments are used in the hands of the commissioners of the customs in Scotland, or the receiver general, for the purpose of attaching the bounty that may be due to proprietors of vessels employed in the said fishery, but in which no specification is made of the name of the vessel whereof the bounty is meant to be attached, whereby much inconvenience and embarrassment often arise, there being many persons of the same name proprietors of different vessels, which renders it difficult and uncertain with precision what particular bounty is intended to be attached, whereby payments have sometimes been made notwithstanding such attachments, at other times delays have been occasioned in payment of bounties not intended to be attached, all which might be remedied if in the arrestments the name of the particular vessel was specified; be it therefore enacted by the authority aforesaid, That in all arrestments to be used in the hands of the said commissioners or receiver general, for the purpose of attaching bounties due to owners of any of the said vessels fitted out for the said herring fishery, the schedule in execution of the arrestment shall specify the name of the particular vessel or vessels whereof the person against whom the arrestment is used may be owner, and of which his share of the bounty is meant to be attached, otherwise such arrestments shall be null and void.*

Arrestments to specify the names of vessels when bounties are to be attached by commissioners of customs in Scotland.

Inhabitants of the United Provinces, employed in the herring fishery, &c. or in building vessels, &c. coming to reside in this kingdom, may, on certain conditions, import fish duty free, export them, be entitled to bounties, carry on their trades, &c.

VII. *And be it further enacted by the authority aforesaid, That if during the continuance of this act, any person, being a subject or inhabitant of the United Provinces, who has been employed in carrying on the herring, cod, ling, haddock, or other white fisheries, or the fisheries carried on in the Greenland Sea and Davis's Streights, or the turbot fishery, or in building vessels, or in cutting whalebone, or in making nets or barrels, or in preparing salt for the said fisheries, shall come into this kingdom with intent to reside herein, and shall go before some justice of the peace, sheriff depute or substitute, or principal magistrate of some city or town of this kingdom, or before the principal officer of his Majesty's customs in some port of this kingdom, and shall take the oath of allegiance to his Majesty, and shall obtain a certificate of his having taken such oath, which oath and certificate such justice of the peace, sheriff depute or substitute, magistrate and officer respectively, are hereby authorized and required to administer and give, on payment of no greater fee than two shillings; and if such person shall produce or transmit such certificate to the commissioners of his Majesty's customs in England or Scotland respectively, and shall make it appear to the satisfaction of such commissioners, by oath or examination before them, or before persons duly authorized by them for that purpose, that he is a subject or inhabitant of the said United Provinces, and had been employed in some one or other of the said fisheries, or in building vessels, or in making nets or barrels, or in preparing*

salt

salt for the said fisheries, and that he hath come into this kingdom with intent to reside herein, and to carry on some one or other of the said fisheries, trades, or employments, it shall and may be lawful for the said commissioners of his Majesty's customs in *England*, or any four or more of them, or for the said commissioners of his Majesty's customs in *Scotland*, or any three or more of them, to grant to such person a certificate thereof; and such person shall be forthwith entitled to enter for importation, duty free, and afterwards to re-export any cargo of fish, or the produce thereof, caught in any of the said fisheries, which he may then have brought into the ports of this kingdom, and shall from thenceforth be authorised to carry on from the said ports, the said fisheries, or any of them, or to exercise in any place therein any of the said trades or employments, and to import and export such fish or oil, or other produce thereof, into or from any ports of this kingdom, in the same manner, and with all the same advantages, as any *British* subject, and be entitled to all such bounties, premiums, and emoluments, as are granted by either or both of the acts continued by this present act, and to no other, subject nevertheless, in the case of claiming such bounties, to the same rules, regulations, restrictions, penalties, and forfeitures; and such person shall thereupon be entitled to become the master or mariner of any *British* ship or vessel, employed in carrying on any of the said fisheries.

VIII. And be it further enacted, That if any such person or persons who shall have qualified, or shall qualify himself or themselves in manner before directed, being the owner in whole or in part of any ship or vessel heretofore employed in some one or other of the said fisheries, has brought or shall bring any such vessel into any of the ports of this kingdom, and shall prove, in the manner directed in an act, passed in the twenty-sixth year of his Majesty's reign, intituled, *An act for the further increase and encouragement of shipping and navigation*, having taken the oath hereunto annexed, instead of the oath required by the said act, that he or they is or are the sole owner or owners, or that he or they, and some other person or persons, being subjects or inhabitants of the said *United Provinces*, who shall have come to this kingdom, and have proved the same in manner before directed, or some *British* subject or subjects, are the sole owner or owners of such ship or vessel, it shall and may be lawful for his Majesty, by and with the advice of his privy council, to order such ship or vessel so owned to be registered, and to have a certificate thereof, and such ship or vessel shall by virtue thereof become entitled to the privileges of a *British*-built ship or vessel, under the regulations and restrictions herein-after mentioned.

Such persons, owners in whole or in part of vessels, and bringing them into this kingdom, may, by order of the privy council, have them registered, and be entitled to the privileges of *British*-built vessels.

IX. And be it further enacted, That during such time as the owner or owners of such ship or vessel shall continue to be resident within this kingdom, it shall be lawful for such ship or vessel to carry on any of the said fisheries, and to import and export into and from this kingdom, and to carry to the port of any country in *Europe*, the fish caught in any such fisheries, and the oil and other produce

While the owners reside in the kingdom such vessels may import the fish caught, export them,

and import in return such articles as British-built ships, if properly manned. produce thereof, and such ship or vessel shall be entitled to the like advantages as any *British*-built ship or vessel employed in any of the said fisheries, and to all such bounties, premiums, and emoluments, as are granted by either or both of the acts continued by this act, and to no other, subject nevertheless, in case of claiming such bounties, to the same duties, rules, regulations, restrictions, penalties, and forfeitures; and every such ship or vessel may import from any such foreign *European* port, in return for such fish, oil, or produce, any articles which any *British*-built ship may by law import from thence, subject nevertheless to the same duties, rules, regulations, restrictions, penalties, and forfeitures, as any *British*-built ship employed in the like trade: provided always, that every such ship or vessel employed in the manner before mentioned, shall be manned, with the number required by law, either of *British* seamen, or of subjects or inhabitants of the said *United Provinces*, who have come to and continue to reside within this kingdom, and have qualified themselves in manner before directed.

Persons so qualified may purchase estates not exceeding 100 acres,

and may bring into the kingdom ships, &c. duty-free

Such owners to take the following

Oath.

X. And be it further enacted, That any person so qualified as aforesaid shall be entitled to purchase or take by descent, and hold any estate in lands, tenements, or hereditaments, (not exceeding one hundred acres), in the same manner as any natural-born subject of this kingdom may now do.

XI. And be it further enacted, That it shall and may be lawful for any such person qualified in manner before mentioned, to import and bring into this kingdom all such ships, tackle, and furniture, and all nets and other articles employed in such fisheries and also all household goods and wearing apparel, without payment of any duty whatsoever, provided it shall be made to appear to the satisfaction of the commissioners of the custom in *England* and *Scotland* respectively, that such articles respectively are not imported by way of merchandize.

XII. And be it further enacted, That the oath before directed to be taken by the owner or owners, proprietor or proprietors of any such ship or vessel, shall be in the form and manner following, as far as the same is applicable to each or either of them:

*I* A. B. of (place of residence and occupation) do make oath that the ship or vessel (name) of (port or place) whereof (master's name) is at present master, being (kind of built, burthen, &c. as described in the certificate of the surveying officer) was (when and where built, and when and where it came into this kingdom); and that I the said A. B. and (the other owners names, and occupations, if any, and where they respectively reside, viz. town, place, or parish and county, or if member of and resident in any factory in foreign parts, or in any foreign town or city, being an agent for or partner in any house or copartnership, actually carrying on trade in *Great Britain* or *Ireland*, the name of such factory, foreign town, or city, and the names of such house or copartnership) am (or are) sole owner (or owners) of the said vessel, and that

*no other person or persons whatever, hath or have any right, title, interest, share, or property, therein or thereto; and (if a British subject) that I the said A. B. (and the said other owners, if any) am (or are) truly and bona fide a subject (or subjects) of Great Britain, and that I the said A. B. have not (nor have any of the other owners, to the best of my knowledge and belief) taken the oath of allegiance to any foreign state whatever, (except under the terms of some capitulation, describing the particulars thereof); or that, since my taking (or his or their taking) the oath of allegiance to (naming the foreign states respectively to which he or any of the said owners shall have taken the same), and prior to the passing of an act, of the twenty-sixth year of the reign of King George the Third, intituled, An act for the further increase and encouragement of shipping and navigation, I have (or he or they hath or have) become a subject (or subjects) of Great Britain, (either by his Majesty's letters patent, as a denizen (or denizens) or naturalized by act of parliament, as the case may be, naming the dates of the letters of denization, or the act or acts of parliament for naturalization respectively); or (as the case may be) I have (or he or they hath or have) become a denizen (or denizens, or naturalized subject or subjects, as the case may be) of Great Britain, by his Majesty's letters patent, or by an act of parliament passed since the first day of January, one thousand seven hundred and eighty-six, (naming the times when such letters of denization have been granted respectively, or the year or years in which such act or acts of naturalization have passed respectively), or (if not a British subject) that I A. B. and the other owners, if any, being a subject or subjects, inhabitant or inhabitants, of the United Provinces, or having been an inhabitant or inhabitants thereof, and now resident in this kingdom, (describing the particulars thereof as to place and date), have (or he or they hath or have) taken the oath of fidelity and allegiance to his majesty the King of Great Britain, (describing the times when, the place where, and before whom taken), and that no foreigner, not having complied with the conditions above mentioned, directly or indirectly, hath any share, or part, or interest, in the said ship or vessel.*

## C A P. LVII.

*An act to indemnify governors, lieutenant governors, and persons acting as such, in the West India islands, who have permitted the importation and exportation of goods and commodities in foreign bottoms.*

[May 5, 1795]

**W**HEREAS by an act, passed in the twelfth year of the reign of his late majesty King Charles the Second, intituled, An act for the encouraging and increasing of shipping and navigation; and by other acts of parliament now in force, no goods or commodities whatsoever can be imported into, or exported out of any lands, islands, plantations, or territories, to his Majesty belonging, or in his possession, or which may hereafter belong unto or be in the possession of his Majesty, his heirs and successors, in Asia, Africa, or America, in any other ship or ships, vessel or vessels whatsoever, but in such ships or vessels