

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on the Twentieth day of February, Anno Domini, 1800, and continued by several Prorogations to Thursday the Twenty-Eighth day of November, 1805; in the Forty-sixth Year of the Reign of our Sovereign Lord George the Third, by the Grace of God of the United Kingdom of Great-Britain, and Ireland, King, Defender of the Faith, &c. being the Sixth Session of the Eighth General Assembly, convened in the said Province.

46 George III – Chapter 6

An Act to encourage the fitting out of Vessels in this Province, for carrying on the Bank and Cod Fisheries.

Be it enacted, by the Lieutenant-Governor, Council and Assembly, that all vessels, owned by His Majesty's subjects resident in this province, duly registered and navigated according to law, and being of the burthen of twenty-five tons, being already registered; and all vessels, of the burthen of forty tons, hereafter to be registered, or upwards, which shall be fitted out in any port, or place, of this province, to be employed in the cod or bank fisheries, on the coast and shores of Nova Scotia, the island of Cape Breton, the Gulp of Saint Lawrence, banks of Newfoundland, streights [straights] of Belleilse, or coast of Labrador, and which shall actually be engaged, and employed, in the fisheries, in, or upon, any of the said coasts, or places, for the space of four complete calendar months, between the twentieth day of March, and first day of December, in any year, or years, during the continuance of this act, shall be paid, and allowed, from the public treasury of the province, a bounty of fifteen shillings per ton, for each and every ton which such vessels shall respectively admeasure, according to register. Provided always, that the bounty to be paid to any one vessel shall not exceed the sum of seventy five pounds; and, also, that it shall not be lawful for the treasurer to pay more than the sum of three thousand pounds, in bounties, by virtue of this act.

And be it further enacted, that all and every person intending to fit out a vessel or vessels, upon a fishing voyage, with an intention to obtain the bounty granted by this act, shall previous to the sailing of the vessel on said voyage, give bonds, at the custom house, to double the amount of the bounty to which such vessel would be entitled, with a condition, there under written, for employing such vessels respectively in the said fishery during four months, within he periods herein before limited; and, also, for importing, and landing, in some one of the ports of this Province the fish so caught by such vessel or vessels.

III. And be it further enacted, that the master of all such vessels respectively, which shall be fitted out as aforesaid, and whose vessels shall have been actually employed in the cod or bank fisheries du ring four months, within the period before mentioned, and who shall have imported, and landed, in this province, the fish caught by their respective vessels, shall, within three months after the determination of the voyage or voyages, appear, and make oath, before two of the principal justices of the peace, of the county or district at the port where such vessel may arrive, that such vessel, for which the bounty is claimed, was fitted out, and has been actually employed in the said fisheries, according to the directions, and

the true intent and meaning of this act: and such oaths shall be set down in writing, and be subscribed by such master, and be certified by the said justices, to have been duly sworn to before them, and the said oaths, so set down, subscribed, and certified, shall be delivered to the said master.

IV. And be it further enacted, that the person who shall have taken the said oath, and obtained the said certificate, shall lodge the same in the office of the secretary of the province, and, also, the original clearance, or fishing pass, taken by the vessel on the commencement of her voyage, to be certified under the hands, and seals, of the collector, comptroller (where any comptroller is appointed) and naval officer, of the port from whence such vessel clears out upon her fishing voyage, specifying the quantity of provisions, stores and fishing craft, which such vessel is provided with, and a certificate of the entry of such vessel at the expiration of her voyage, with the quantity of fish caught, under the hands, and seals, of the collector, comptroller, (where any comptroller is appointed) and naval officer, of the port where such may enter; and, thereupon, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by his warrant on the Treasurer of the Province, to order him to pay to the owners, charterers, master and crew, or to their lawful assigns, the bounty which he or they shall appear to be entitled to receive by virtue of this act.

V. And be it further enacted, that the claimants of bounties under this act, shall be entitled to payment of such bounties in regular order of priority, and that the secretary of the province shall keep publicly posted up in his office, a list of all claims for bounties under this act, in which shall be inserted the name of the claimants, and of the vessels, with the quantity of fish caught by them respectively, for which the bounties are claimed, the amount of the bounties, and the date of the claims; and the secretary of the province shall, also, number the warrants for bounties in regular order as the claims are given in, and dated.

VI. And be it further enacted, that it shall and may be lawful for all persons who shall be engaged in carrying on the fisheries from any port, beach, or beaches, or other convenient places, on any of the shores of this province, and to erect, thereon, flakes, huts or sheds, or other necessary accommodations, for that purpose, without being subject to any action, or information, for intruding, or trespassing, on such beaches, or unoccupied places; and that it shall not be lawful for persons claiming title by grant, deed, license of occupation, or otherwise, to any such beaches, or other fit places for curing and drying fish, and not actually occupying, or making use of, the same, to prevent, or hinder, others from so doing, or to remove, pull down or destroy, any flakes, or other buildings, erected by such persons for the purpose of drying and curing of fish, during the time the same shall be actually used, and employed, for the purposes aforesaid. Provided, that nothing herein contained shall give, or be construed to give, any person or persons, possession of such lands, and beaches, against the owner of the same.

VII. Provided always, and be it further enacted, that nothing in this act contained, shall entitle any person, or persons, to receive any bounty for any vessel under the burthen of forty tons, unless such vessel shall have been registered previous to the making of this act.

VIII. And be it further enacted, that this act shall continued, and be in force, for once year, and no longer.