



ANNO QUARTO & QUINTO

# VICTORIÆ REGINÆ.

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## *Cap. lvii.*

An Act to repeal an Act passed in the Sixteenth Year of the Reign of His Majesty King *George* the Third, for the Encouragement and Improvement of the Pilchard Fishery carried on within the Bay of *Saint Ives* in the County of *Cornwall*; and to make other Provisions in lieu thereof.

[21st *June* 1841.]

**W**HEREAS an Act was passed in the Sixteenth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for the Encouragement and Improvement of the Pilchard Fishery carried on within the Bay of Saint Ives in the County of Cornwall*: And whereas the Provisions of the said Act have been found in some respects defective, and it is expedient that the same should be repealed, and other Provisions made in lieu thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent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the First Day of *July* One thousand eight hundred and forty-one the said recited Act shall be and the same is hereby repealed, and that this Act shall thereupon take effect and be put in execution, save and except so far as relates

16 G. 3. c. 36.

Recited Act repealed, and this Act to take effect.

[*Local.*]

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to any Penalty or Forfeiture which on the First Day of *July* One thousand eight hundred and forty-one shall have been incurred under the said recited Act, or to any Action, Suit, Information, or other Proceeding which shall be then existing or depending in respect of the Provisions of the said recited Act or any of them.

Boundaries of the Stems ascertained.

II. And be it enacted, That the Six several Stems or Stations for taking Fish within the said Bay of *Saint Ives*, respectively called or known by the Names of *Carrick Gladden*, the *Poll*, the *Leigh*, *Porthminster*, *Pedn Olver*, and *Carrick Leggoe* otherwise *Carn Crowze* Stems, shall from and after the passing of this Act be deemed and taken to be bounded and limited in manner herein-after particularly mentioned; that is to say, the *Carrick Gladden* Stem is to be unlimited towards the South and towards the East, and to extend towards the North as far as the Marks or Boundaries set up and erected in *Porth Repta* River, in pursuance of the said recited Act; the *Poll* Stem is to extend towards the North from the said Marks or Boundaries in *Porth Repta* River, as far as the Marks or Boundaries set up and erected on the North Side of a certain Hedge or Fence, being the Fourth Fence from a House called the *Signal House*, on *Porthminster Hill*, to the Southward of the said House; the *Leigh* Stem is to extend towards the North from the End of the *Poll* Stem, according to the Boundary herein-before mentioned, as far as the *Carrick Rock* opposite *Porthminster Point*; the *Porthminster* Stem is to extend towards the North from the said *Carrick Rock* as far as the Marks or Boundaries which are set up and erected on the Banks of the *Porthminster* River; and the *Pedn Olver* Stem is to extend towards the North from the said Marks or Boundaries on the Banks of the *Porthminster* River as far as the Marks or Boundaries already set up near the present South Corner of the Churchyard in the said Town of *Saint Ives*; and the *Carrick Leggoe* or *Carn Crowze* Stem is to extend towards the South as far as the Marks or Boundaries so set up near the said present South Corner of the said Churchyard, and to be unlimited towards the North.

Expence of maintaining artificial Marks to distinguish the Boundaries of some of the Stems.

III. And be it enacted, That the Expence of maintaining, keeping up, and renewing the Marks or artificial Boundaries erected and set up as aforesaid for distinguishing and ascertaining the Limits of such of the said Six several Stems or Stations as terminate at or are bounded by Marks or artificial Boundaries, shall now and at all Times hereafter be paid out of the *Saint Ives* Fishery Fund herein-after provided.

Turns forfeited for landing the Warp Rope in another Station (but not for landing Rope or Seyne within St. Ives Pier).

IV. And be it enacted, That if any Boat and Seyne holding or having taken Turn upon any of the said Six several Stems or Stations shall land or put on shore the Warp Rope belonging to her Seyne Net within the Limits of any other Stem or Station than that upon which such Boat and Seyne had originally taken Turn or Stem, the Turns or Stems first taken by such Boat and Seyne shall be forfeited thereby: Provided always, that it shall and may be lawful for any Boat and Seyne holding and having taken any Turn or Stem as aforesaid, on any of the said Six Stems or Stations, to land the Warp Rope and Net of such Boat and Seyne, or the Seyne Net thereof,



within the Pier of *Saint Ives*, without becoming subject to such Forfeiture as aforesaid, unless such Landing shall have been made for the Purpose of taking Turn or Stem on the *Carn Crowze* Stem or Station.

V. And be it enacted, That in case any Boat, holding or assuming to hold any Turn or Stem on any of the said Stems or Stations, shall, in pursuit of Fish or otherwise, row or pass into any other Stem or Station, except in the Cases permitted or provided by this Act, the Master Seyner and Bowman of such Boat shall for such Offence forfeit any Sum not exceeding the Sum of Ten Pounds each.

Penalty on Boats on one Station passing in pursuit of Fish into another Station.

VI. And whereas it frequently happens that after Fish are within the Limits of one of the said Six several Stems or Stations, and after the Boat then holding Turn or Stem upon such Station has begun to shoot out her Seyne, the Fish start back or pass into the Limits of one of the next Stems or Stations; be it therefore enacted, That in every such Case it shall and may be lawful to and for every Boat which hath begun to shoot her Seyne when the Fish were within the Limits of the Stem or Station upon which she held or was entitled to Turn or Stem as aforesaid to continue to shoot out the Remainder of her Seyne in the adjoining Stem or Station into which such Fish shall go or pass.

When Seyne is partly shot in one Stem the Remainder may be shot in the adjoining Stem if the Fish go thither.

VII. And be it enacted, That when any Seyne Net shall be shot within the Limits of any of the aforesaid Six several Stems or Stations, such Seyne Net may be worked or hauled through the Limits of any adjoining Stem or Station, and brought to a convenient and proper Mooring Place, and moored and secured within the Limits of any of the said Six several Stems or Stations, for the Preservation of the said Seyne and the Fish enclosed therein.

When Seyne is shot it may be worked through and moored in any other Stem.

VIII. And be it enacted, That all Stems or Turns of Fishing upon the aforesaid Six several Stems or Stations shall commence at the Hour of Twelve at Night, and shall, except as herein-after provided, be determined or end at the Hour of Twelve in the following Night, unless the Boat holding or keeping any Stem or Turn do in the meantime shoot or cast out into the Water her Seyne Net; and that the several Boats that shall take Turn upon or take possession of any of the said Six several Stems or Stations in the Manner herein-after particularly mentioned shall successively, in the Turn or Order in which they shall have severally taken their Turns or Stems upon the respective Stations, have the Benefit and Advantage of fishing within the Limits of such Stem or Station, from the Time the same Turn or Stem shall be taken until the Hour of Twelve in the succeeding Night, subject to the Restrictions herein-after mentioned.

Time of continuing upon the Stems limited.

IX. And be it enacted, That every Stem or Turn of Fishing which shall commence at the Hour of Twelve at Night on the *Saturday* in each Week shall be determined at and not before the Hour of Twelve in the Night of the following *Monday*, unless the Boat holding or keeping such Stem or Turn do in the meantime shoot or cast out into the Water her Seyne Net, subject to the Restrictions in this Act

The Turn for Fishing commencing on Saturday Night to continue until Monday Night.



Act contained; and in case any Seyne Net shall on the *Sunday* in any Week be shot or cast into the Water out of any Boat in any of the Stems or Stations in this Act mentioned, by or on account of any Person, Partnership, or Company, except the Seyne Net and out of the Boat respectively entitled to the next Turn in such particular Stem or Station, the next Turn or Stem to which such Person, Partnership, or Company shall be entitled in such Stem or Station shall be forfeited and lost.

Times for shooting the Seynes upon the several Stems or Stations.

X. Provided always, and be it enacted, That although the Turns or Stems are herein-before appointed to be held from the Hour of Twelve in one Night to the like Hour of Twelve in the following Night, yet the Time for shooting the Seyne Nets within the Limits of the said Six several Stems or Stations by the Boats holding Turn or Stem thereon respectively shall commence and end at and within the several States of High and Low Water upon the said several Stems or Stations respectively herein-after particularly mentioned; (that is to say,) the Turn or Stem for shooting the Seyne Nets within the Limits of *Carrick Gladden* Stem or Station shall begin at the Time of Half Flood, and end at the Time of Half Ebb of the Tide upon that Station; the Turn or Stem for shooting the Seyne Nets within the Limits of the *Poll* Stem or Station shall begin at the Time of a Quarter Flood, and end at the Time of Three Quarters Ebb of the Tide upon the last-mentioned Station; the Turn or Stem for shooting the Seyne Nets within the Limits of the *Leigh* Stem or Station shall begin at the Time of Three Quarters Ebb, and end at the Time of One Quarter Flood of the Tide upon the said last-mentioned Station; the Turn or Stem for shooting the Seyne Nets within the Limits of *Porthminster* Stem or Station shall begin at the Time of Two Hours Flood, and end at the Time of Four Hours Ebb of the Tide upon the said last-mentioned Station; the Turn or Stem for shooting the Seyne Nets within the Limits of *Carn Crowze* Stem or Station shall begin at the Time of Three Quarters Ebb, and end at the Time of One Quarter Flood of the Tide upon the said last-mentioned Stem or Station; and within the Limits of *Pedn Olver* Stem or Station the Seyne Nets may be shot at all Times or States of the Tide; and if any Seyne Net shall be shot within the Limits of *Carrick Gladden*, the *Poll*, the *Leigh*, *Porthminster*, and *Carn Crowze* Stems respectively, before or after the several States of the Tide at which the Turns or Stems for shooting the Seynes are herein-before particularly directed to commence and end at the said Five last-mentioned Stems or Stations as aforesaid, the Owner or Owners of every such Seyne shall forfeit for every such Offence any Sum not exceeding the Sum of Twenty Pounds, and the Hwer of such Seyne shall forfeit any Sum not exceeding the Sum of Ten Pounds; and if any Fish shall be taken in consequence of any Seyne Net or Nets being shot contrary to the Directions herein-before given, all such Fish shall be forfeited to such Person or Persons as the Justice or Justices by whom the Complaint against the Parties so offending as aforesaid shall be heard shall order and direct.

Commencement and End of Turns

XI. And be it enacted, That the Commencement and End of the aforesaid several Turns or Stems for shooting the Seyne Nets within the



the Limits of the said *Carrick Gladden*, the *Poll*, the *Leigh*, *Porthminster*, and *Carn Crowze* Stems respectively, shall be declared and made known by the hoisting of a Flag or some other proper Signal at the Beacon House on *Porthminster Hill*, by a Person to be appointed for that Purpose by the Owners of Boats and Seynes employed in the said Fishery in manner herein-after mentioned.

for shooting Seynes to be made known by Signal.

XII. And be it enacted, That when the Turn or Stem for shooting the Seyne Nets within the Limits of *Carrick Gladden* Stem or Station by the Boats upon that Station shall be at an end at the State of the Tide upon that Station herein-before for that Purpose mentioned, it shall be lawful to and for the Boats having or holding Turn or Stem upon the *Poll* Stem to shoot their Seyne Nets into the Limits of *Carrick Gladden* Stem until such Stem shall again commence, according to the Directions herein-before for that Purpose given, and also to shoot their Seyne Nets into the Limits of the *Leigh* Stem, but only during such Times respectively as herein-after mentioned; that is to say, during the Time from the Time of One and a Half Hours Flood to the Time of Three Hours Flood, and again during the Time from the Time of Three Hours Ebb to the Time of Four and a Half Hours Ebb; and moreover, that in case any Seyne Net shall be shot from any Boat in any Part of the *Leigh* Stem or Station except during the Time of the Continuance of the Turn or Stem for shooting the same Nets within the Limits of the said *Leigh* Stem or Station under this Act, or by the Boats and Seynes having Turn or Stem on the *Poll* Stem or Station within the respective Times and under the Provision herein-before contained, all Fish which shall be taken by any such Seyne Net so shot in the said *Leigh* Stem or Station as aforesaid, except as aforesaid, shall be forfeited to the Owner or Owners of the Boat then holding and entitled to Turn or Stem on the *Porthminster* Stem or Station; and further, that when the Turn or Stem for shooting the Seyne Nets within the Limits of *Carrick Gladden* and the *Poll* Stems respectively by the Boats upon the said last-mentioned Stations shall be at an end, according to the Directions and at the States or Times of the Tide upon these Stations herein-before for that Purpose given and mentioned, it shall and may be lawful to and for the Boats having or holding Turn or Stem upon the *Leigh* Station to shoot their Seyne Nets into the Limits of *Carrick Gladden* and the *Poll* Stems respectively, until the *Poll* Stem shall again commence according to the Directions herein-before for that Purpose given; and also when the Turn or Stem for shooting the Seyne Nets within the Limits of the *Porthminster* and *Carn Crowze* Stems respectively by the Boats upon the said last-mentioned Stations shall be at an end, according to the Directions and at the States of Tide herein-before for that Purpose given and mentioned, it shall and may be lawful to and for the Boats having or holding Turn or Stem upon the *Pedn Oloër* Station to shoot their Seyne Nets into the Limits of the said *Porthminster* and *Carn Crowze* Stems respectively.

Times when Boats having Turn on one Stem may shoot their Seynes within the Limits of another Stem.

XIII. Provided always, and be it enacted, That no Boat having or holding Turn or Stem on the *Porthminster* Stem shall pass to the South of the *Carrick Rock* for the Purpose of shooting any Seyne Net.

Restriction on Boats having Turn on the *Porthminster* Stem.

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XIV. And



Boats quitting Stem, the others to succeed according to the Order in which they are registered.

XIV. And be it enacted, That the shooting of every Seyne Net or casting the same into the Sea shall put an end to or determine the Turn or Stem of the Boat out of which such Seyne Net shall have been shot or cast out into the Sea; and that whenever any Boat holding the first or any other Turn or Stem upon any of the aforesaid Six several Stems or Stations shall have shot out her Seyne Net, then the several other Boats upon such Stem or Station shall successively take their Turns of fishing thereupon, according to the Order in which they respectively took their Turns or Stems upon such Stem or Station; and also that in case any Boat holding the first or any other Turn or Stem upon any of the said Six several Stems or Stations shall be absent from such Stem or Station at the Time the Fish begin to appear within the Limits of such Stem or Station, then the other Boats then holding Turn or Stem upon the same Station shall successively take their Turns of Fishing thereupon, according to the Order in which they respectively took their Turns upon such Station, until such Boat so quitting or being absent from such Station shall return to the same, and thereby regain her Turn or Stem thereupon, which such Boat is hereby authorized to do.

What entitles a Boat to take Stem.

XV. And be it enacted, That the Order and Manner of taking the Turns of Fishing, commonly called taking Stems, upon the aforesaid Six several Stems or Stations, shall be as follows; that is to say, the Boat taking Turn or Stem must have on board Five Men at the least, and a sufficient Seyne Net with Warp Rope and Tow Rope of the Dimensions herein-after specified; and to entitle any Boat to a Turn or Stem, and the Benefit and Advantage thereof, the Warp Rope of the Seyne Net belonging to such Boat is to be landed at the aforesaid several Stems or Stations within the several Distances following; that is to say, at *Carrick Gladden* Stem the Warp Rope is to be landed between *Carrick Gladden Point* and the Limits of the said Stem in *Porth Repta* River aforesaid; at the *Poll* Stem, the *Leigh* Stem, *Porthminster* Stem, and *Pedn Olver* Stem respectively, the Warp Rope may be landed at any Place within the respective Limits of the aforesaid several Stems or Stations herein-before described; and at *Carn Crowze* Stem the Warp Rope is to be landed at any Place between the aforesaid South Corner of the Churchyard in *Saint Ives* and a Rock called *Merran*, Northward of the said Churchyard; and that all the said Turns or Stems are to be taken by landing such Warp Rope, and not otherwise; and no Warp Rope shall be deemed and taken to be landed within the Intent of this Act unless one End of such Warp Rope shall actually be on shore and there dry.

No Boat to put to Sea to shoot the Seyne until the Warp Rope is landed.

Penalty.

XVI. And be it enacted, That the Warp Rope of every Seyne Net shall be landed or brought on shore before the Boat having such Seyne Net on board is put off to Sea, to shoot her Seyne; and that if any Boat having a Seyne Net on board shall be put out to Sea before the Warp Rope of her Seyne Net shall be landed, the Heward or Hewers of such Boat and Seyne shall, upon Conviction by the Oath of One or more credible Witness or Witnesses before any such Justice of Peace as aforesaid, forfeit and pay for every such Offence any Sum not exceeding the Sum of Fifty Pounds; and if any Fish shall be taken by such Boat, all such Fish shall be forfeited to the Owner



Owner or Owners of the Boat then next in Turn upon the Stem or Station within the Limits of which such Offence is committed, having her Warp Rope on shore.

XVII. And be it enacted, That no Boat having or holding a second or other subsequent Turn or Stem upon any of the aforesaid Six several Stems or Stations shall be put out to Sea until every Boat entitled to any prior Turn or Stem upon that Station shall respectively have shot out all her Seyne, or shall desist from shooting out the same; and that if any Boat holding the second or other following Turn or Stem upon any of the aforesaid Six several Stems or Stations shall be put out to Sea before the Boat entitled to any prior Turn or Stem upon such Station shall have shot out her whole Seyne, or, having begun to shoot, shall desist from shooting the same, the Hower or Howers of such Boat shall forfeit for every such Offence any Sum not exceeding the Sum of Ten Pounds; and if any Fish should be taken by such Boat or Seyne so put out to Sea contrary to the Provisions of this Act, all such Fish shall be forfeited to the Owner or Owners of the Boat and Seyne which shall have then landed her Warp, and shall have thus become entitled to the first of such prior Turns or Stems.

Second Boat shall not put to Sea till First Boat hath shot her Seyne.

Penalty.

XVIII. And be it enacted, That if the Warp Rope of the Seyne Net belonging to the Boat entitled to the first or any prior Turn or Stem upon any of the said Six several Stems or Stations shall be landed before any other Boat which may have put out to Sea shall have shot out one End or Part of her Seyne, and any Boat not entitled to any Turn or Stem on such Station, or only entitled to some Turn or Stem subsequent in order to such first or other prior Turn or Stem, shall then shoot out her Seyne after and notwithstanding the Crew of such last-mentioned Boat or any of them shall have been forbidden so to do by any Owner of the Boat entitled to such first or other prior Turn or Stem, or his Agent or Servant, or by the Hower or any of the Crew thereof, or after and notwithstanding such Boat entitled to such first or other prior Turn or Stem shall have its Warp Rope on shore, and shall be worked or put to Sea by the Hower thereof, which shall be deemed equivalent to such Forbiddal as aforesaid, then and in such Case all the Fish which shall be taken by such Boat so shooting her Seyne after and notwithstanding such Forbiddal, or Acts equivalent to such Forbiddal, as aforesaid, shall belong and be forfeited to the Owner or Owners of the Boat so entitled to the first or other prior Turn or Stem of which the Warp Rope shall have been so landed, and the Owner and the Owners of the Boat out of which the Seyne Net shall be so shot shall also forfeit any Sum not exceeding the Sum of Fifty Pounds; and in every Proceeding in relation to the Forfeitures under this Clause the Owner, Agent, Servant, Hower, or Person by whom such Forbiddal shall have been given or signified shall be a competent Witness, although he may be interested in the Result: Provided always, that if any Boat entitled to a subsequent Turn or Stem shall have shot out any Part of her Seyne before the Warp Rope of the Seyne belonging to the Boat entitled to any prior Turn or Stem on the same Station shall have been landed, or before such Forbiddal or

Regulations for a prior Boat forbidding a subsequent Boat from shooting Seyne, &c.

Penalty.

Acts



Acts equivalent to Forbiddal as herein-before mentioned, then and in such Case the Persons belonging to the Boat entitled to such subsequent Turn as aforesaid may proceed in shooting out the Remainder of her Seyne.

No Boat having commenced shooting her Seyne by throwing overboard any Part shall resume the shooting thereof in respect of the same Turn, unless no other Boat has taken its Turn.

Penalty.

Proviso.

XIX. Provided always, and be it enacted, That it shall not be lawful for any Boat which shall have commenced to shoot her Seyne by throwing overboard any Part thereof, and shall have desisted from shooting the same, to resume the shooting thereof in respect of the same Turn or Stem, unless no other Boat shall have duly taken possession of a subsequent Turn or Stem on the same Station by landing her Warp; and in case any Boat, which shall have so commenced and desisted as aforesaid, shall resume the shooting of her Seyne as aforesaid, after some other Boat shall have duly taken possession of such subsequent Turn or Stem as aforesaid, the Owner or Owners of the Boat the shooting from which of the Seyne shall be so resumed shall foreit any Sum not exceeding the Sum of Fifty Pounds, and the Fish, if any be taken in the Seyne whereof the Shooting shall be so resumed, shall be forfeited to the Owner or Owners of the Boat and Seyne which shall be entitled to the next Turn or Stem on the same Station: Provided always, that nothing herein contained shall be construed to prevent any Boat which shall have shot her Seyne Net, or any Part thereof, and shall again have taken her wet Seyne Net on board, from again shooting such Seyne Net without any new Taking or Registration of a Turn or Stem, in case no other Boat registered for the same Station, or entitled thereto, shall, at or before the Time of such Shooting, again have taken possession as aforesaid of some subsequent Turn or Stem.

Boat taking a fresh Stem after the Seyne Net is shot, and before such Seyne is taken out of the Water, the Stem to be forfeited, and the Owners to forfeit 10*l*.

XX. And be it enacted, That when any Boat that shall have taken Turn or Stem upon any of the aforesaid Six several Stems or Stations, within the Time and according to the Directions hereinbefore for that Purpose limited and given, shall have shot out her Seyne Net, such Boat shall not take any fresh Turn or Stem upon any other Stem or Station until her said Seyne Net so shot as aforesaid shall be taken out of the Water; and in case any Boat having shot her Seyne Net as aforesaid shall take any fresh Turn or Stem upon any other Stem or Station before her said Seyne is taken out of the Water, the Owner or Owners of such Boat shall forfeit and pay for every such Offence any Sum not exceeding the Sum of Ten Pounds, and the Turn or Stem so taken contrary to the true Intent and Meaning of this Act shall be void, and no Benefit or Advantage had or taken therefrom, but that all Fish that shall be taken by such Boat and Seyne shall belong to and be the Property of the Owner or Owners of the Boat and Seyne then entitled to Turn or Stem on the same Station, according to the true Intent of this Act.

Regulations for the Dimensions of Seyne Nets, Tow Ropes, and Warp Ropes.

XXI. And be it enacted, That in order to entitle any Boat or Seyne to hold or take Turn or Stem under this Act, the Seyne Net on board such Boat shall measure One hundred and sixty Fathoms in Length at the least at the Cork Rope of such Seyne, of Cod or *Dungarvon* Mesh, and shall measure Eight Fathoms at the least in Depth at the

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Bunt or Middle, and Six Fathoms at the least in Depth at the Lash End of each Sleeve; and shall be marked on Six Leads at the least in the Middle or Bunt, and also on Six Leads at the least of each Sleeve, by inserting or imprinting the Name at Length of such Seyne on each of such Leads, such Marks to be made by the Registrar by Dies to be provided as herein-after mentioned; and shall have a Tow Rope not less than Eighty Fathoms in Length, and a Warp Rope not less than Three hundred and twenty Fathoms in Length, such Tow Rope and Warp Rope respectively to be not less than Three Inches in Circumference; and all the Fathoms in this Act mentioned to be computed after the Rate of Six Feet to the Fathom.

XXII. And be it enacted, That no Tuck Net commonly used in tucking or taking up Fish out of Seyne Nets, nor any Net used as a Thwart or Stop Net, shall entitle any Boat to take or hold a Turn or Stem upon any of the aforesaid Six several Stems or Stations; and if any such Turn or Stem shall be taken or held by any Boat by means or under colour of any such Tuck Net, or Thwart or Stop Net, the Owner or Owners of such Boat shall forfeit any Sum not exceeding the Sum of One hundred Pounds.

XXIII. And be it enacted, That every Stop or Thwart Net to be used in the said Fishery shall be registered by the Registrar to be appointed under this Act, before the same shall be so used, and shall be marked by the Registrar on Six at least of the Leads thereof, by imprinting thereon the Words "Stop Net," and some Number or distinguishing Mark; and that for the Purpose of marking, as well the said Stop Nets as the said Seyne Nets, there shall be provided by or for the Registrar under this Act, at the Charge of the *Saint Ives* Pilchard Fishery Fund herein-after mentioned, proper Dies for marking such Leads in plain and distinct Characters; and such Dies shall only be used by the said Registrar, or by his Assistant in his Presence, and according to the Provisions of this Act; and the Registrar for the Time being shall retain in his Custody all the Dies so provided for or by him as aforesaid; and if any Registrar shall deliver up or part with the Possession of any Die which shall be so provided for the Purposes aforesaid, and with which any Seyne or Stop Net Leads may have been marked as aforesaid, except to his Successor in Office, or for the Purpose of Production before a Justice, or in some Court of Justice, or in some legal Proceedings, such Registrar shall for every such Offence forfeit and pay the Sum of Twenty Pounds.

XXIV. And be it enacted, That if any Seyne Owner, by himself or his Agent or Servant, shall wilfully deface or alter all or any of the Marks imprinted on any of the Leads of any Seyne Net or Stop Net under the Authority of this Act, after the same shall have been duly registered as aforesaid, or shall direct or knowingly permit the Name of any Seyne to be imprinted on any such Leads or Lead as aforesaid, except by the Registrar, and according to the Provisions of this Act, every such Seyne Owner so offending shall for every such Offence forfeit and pay any Sum not exceeding the Sum of One hundred Pounds; and in case any Person shall wilfully deface or alter any

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Marks.

No Tuck or Thwart or Stop Net to entitle any Boat to take a Turn.

Penalty.

Stop and Thwart Nets to be marked on Leads.

Dies for marking to be provided.

Registrar to retain all Dies in his Possession.

Persons wilfully defacing, &amp;c. the Leads of any Seyne subject to Penalties.



such Marks or Name on any such Lead as aforesaid, he shall for every such Offence forfeit any Sum not exceeding the Sum of Twenty Pounds, or, at the Discretion of the Justice before whom he may be convicted, be imprisoned for any Term not exceeding Three Calendar Months: Provided always, that nothing herein contained shall be taken to prevent any Seyne Owner from changing, in the Interval between any Two Fishing Seasons, the Name of his Seyne, so as the new Name which may in each Case be given be signified to the Registrar, and duly imprinted or marked by him on the requisite Number of Leads as herein-before provided, at or before the Commencement of the Second of such Seasons.

Regulating  
the Stop or  
Thwart Nets  
to be used.

XXV. And be it enacted, That it shall not be lawful for the Owners of or Persons having the Management of any Seyne employed in the said Fishery to use upon the shooting of any such Seyne Net more than Two Stop or Thwart Nets, or to use any Stop or Thwart Net exceeding One hundred and twenty Fathoms in Length, or to use any registered Seyne or any Part thereof, or any Net or Part of Net whatever, not duly registered and marked as a Stop Net, under the Provisions of this Act, as or instead or for the Purpose of a Stop or Thwart Net; and in case more than Two Stop or Thwart Nets, or any Stop or Thwart Net exceeding One hundred and twenty Fathoms in Length, shall be used upon the shooting of any such Seyne, or in case any registered Seyne or any Part thereof, or any Net or Part of Net whatever, not duly registered and marked as aforesaid as a Stop Net, shall be used as or instead of or for the Purpose of a Stop or Thwart Net, the Fish taken by the shooting upon which more than Two Stop or Thwart Nets, or such Stop or Thwart Net exceeding One hundred and twenty Fathoms in Length, or such registered Seyne or Part thereof, or other Net or Part of Net as aforesaid, not so registered as aforesaid, used for the Purpose of a Stop or Thwart Net, shall have been so used, shall be forfeited to the Owners of the Boat and Seyne next entitled to Turn or Stem on the same Stem or Station, and the Owners of the Seyne on the shooting of which such Offence shall have been committed shall forfeit the Sum of Twenty Pounds.

The Owner  
of any Net  
shot from  
any Boat  
other than  
the Boat with  
which the  
same is re-  
gistered to  
forfeit 50l.,  
&c.

XXVI. And be it enacted, That if any Seyne Net shall be shot from any Boat other than and except the Boat with which the same shall have been registered under this Act, then and in every such Case the Owner or Owners of such Seyne shall forfeit and pay for every such Offence the Sum of Fifty Pounds, and the Hower and Master Seyner of such Boat and Seyne shall forfeit the Sum of Five Pounds each; and if any Fish shall be taken by the Seyne which shall be so shot as aforesaid, all such Fish shall be forfeited to and become the Property of the Person or Persons who shall be Owner or Owners of the Boat which shall be next in Turn upon the Stem or Station within the Limits of which such Offence shall have been committed.

As to shoot-  
ing a second  
Seyne around  
the first.

XXVII. And be it enacted, That if in any Case where a Seyne shall have been lawfully shot on any of the said Six Stems or Stations, and Fish shall be enclosed therein, and such Seyne shall have been properly



perly moored as herein-after provided for, then, in case the Owners or Manager of such Seyne shall be desirous to shoot another Seyne around the Seyne so moored for the Purpose of better securing the Fish, it shall be lawful for him so to do after such first-mentioned Seyne shall have been so moored as aforesaid, but not before, provided the second Seyne so to be shot be one of the Seynes for the Time being registered for one of the said Six Stems or Stations.

XXVIII. And be it enacted, That the Gurries or Vessels to be used by every Company or Partnership for the Carriage of or Division of Pilchards taken from the Boats that shall bring Home the Pilchards from the Seyne shall be all of the following Size or Dimensions, that is to say, Thirty Inches in Length, Twenty-one Inches in Breadth, and Nineteen Inches deep; and that all such Gurries or Vessels which shall not have been marked under the Provisions of the said recited Act shall, before they have been used, be measured and marked in some conspicuous Place or Part thereof by the Registrar for the Time being under this Act; and if any Person shall make use of or attempt to make use of any Gurry or Vessel that shall not have been measured and marked under the said recited Act or under this Act, as aforesaid, it shall and may be lawful for any Person observing such unmarked Gurry or Vessel to seize the same, and carry such unmarked Gurry or Vessel before the Mayor of the said Borough of *Saint Ives* for the Time being, or any Justice; and if the same shall, upon View or Examination thereof, appear to be unsizeable, contrary to the Directions herein-before given, or unmarked by the said Registrar, the Owner of such Gurry or Vessel shall forfeit and pay the Sum of One Pound and One Shilling for every such unmarked Gurry or Vessel, and the same shall be immediately broken and destroyed: Provided always, that if at any future Time it shall be thought proper to make any Alteration in the Size of the said Gurries or Vessels, it shall and may be lawful to and for the several Owners of Boats and Seynes employed in the said Pilchard Fishery, meeting and voting at a Meeting to be summoned in manner herein-after mentioned, from Time to Time, as often as they shall think proper, to make such Alterations in and Regulations relating to the Size and Dimensions of the said Gurries; and after such Alteration and new Regulation, and so long as such Regulation shall continue in force, all the Gurries to be used in the Carriage or Division of the said Fish shall be of the Size and Dimensions so from Time to Time directed by such Regulations, and shall also be measured and marked before they are used in such and the same Manner as is herein-before directed.

Gurries to be measured and marked.

Penalty.

For altering the Dimensions of Gurries, &c. when requisite.

XXIX. And be it enacted, That the aforesaid several Turns or Stems when taken by landing the Warp Rope as aforesaid shall be registered in manner following; (that is to say,) One of the Five Men who shall be in the Boat at the Time such Turn or Stem is taken, or the Hewer for the Seyne or Master Seyner in the said Boat, shall, on the same Day on which such Turn or Stem is taken, or before the Hour of Eight in the Forenoon of the next Day, bring a List or written Account of such Turn or Stem to the Registrar appointed

Time and Manner of registering the Turns or Stems.



appointed to receive the same, in which List or written Account shall be inserted and set down the Name of the Seyne Boat, and of the Seyne in such Boat respectively, the Time when and upon which Stem or Station such Turn or Stem was taken, and the Names of the Five Persons employed in taking such Turn or Stem; which List or written Account shall be registered in a Book by the said Registrar, and every Turn or Stem not duly registered in the Manner and within the Time aforesaid shall be forfeited: Provided always, that in case any such Turn or Stem shall have been duly taken by any Boat and Seyne, and shall afterwards be duly registered within the Time limited in this Act, the shooting of the Seyne Net from such Boat shall be legal, although it shall happen before such Registration shall have been actually made.

Stems not registered to be forfeited.

Registry of Lists to be Evidence that Turn was taken.

XXX. And be it enacted, That the Registry of every List or written Account containing the Particulars required by this Act, which shall be entered in the Book to be kept for that Purpose by the Registrar under this Act, shall be sufficient Evidence that such Turn or Stem was duly taken according to the Terms of such Registry, unless such Registry shall be cancelled or altered in manner herein-after mentioned.

If turns or Stems not duly taken, Registry to be cancelled or altered.

XXXI. Provided always, and be it enacted, That in case any Person shall, within Forty-eight Hours after the Time when any such Turn or Stem shall have been registered, deliver to a Justice a Complaint in Writing, stating that such Turn or Stem was not duly taken, and specifying his Objections to the taking of such Turn or Stem, such Justice shall by Warrant summon the Hewer for the Seyne, or any one of the Crew (for the Time being), in the Boat taking Turn or Stem, and the Person making such Complaint, to appear before him, and shall hear the Matter of such Complaint upon Oath, and in case it shall appear to him that such Turn or Stem was not duly taken shall order the Registry thereof to be cancelled, or the Entry thereof to be altered, as the Case may require, and shall award such Costs to either Party as to him shall seem proper, such Costs to be recovered from the Party ordered to pay the same in the same Manner as the Penalties under this Act are hereby made recoverable; and in every such Case in which an Order for cancelling or altering a Registry shall be made the Registrar shall produce the Book of Registry to such Justice, and shall cancel or alter the same according to his Directions, and such Justice shall sign, in the Margin or at the Foot of the Page in which any such Cancellation or Alteration shall be made, a Memorandum testifying that such Cancellation or Alteration was made under his Order; and every Registry so altered shall, according to the Terms thereof, when so altered for Purposes of Evidence and other Purposes, have the same Force and Effect as an original Registry.

Penalty for making false Register.

XXXII. And be it enacted, That if any Person shall register or cause to be registered any Boat and Seyne as having taken any Turn or Stem upon any of the aforesaid Six several Stems or Stations within the Time and in the Manner herein-before particularly mentioned, and it shall afterwards appear, either that such Boat and Seyne



Seyne were not entitled to take such Turn or Stem, or that such Boat and Seyne did not take such Turn or Stem in the Manner, within the Time and Limits herein-before for that Purpose particularly mentioned and provided, and in the List or written Account of such Turn or Stem particularly mentioned and set down, then and in every such Case the Person guilty and convicted of such Offence, and the Owner or Owners of the Boat and Seyne whose Turn or Stem is so falsely registered, shall forfeit and pay for every such Offence the several Sums herein-after mentioned; (that is to say,) the Owner or Owners of such Boat and Seyne any Sum not exceeding the Sum of Twenty Pounds, and the Person guilty of such Offence any Sum not exceeding the Sum of Ten Pounds; and the Turn or Stem of every Boat and Seyne of which the Turn or Stem shall be so falsely registered shall be forfeited.

XXXIII. And be it enacted, That it shall and may be lawful for the Registrar and he is hereby required, before the Leads of any Seyne Net shall be marked as herein-before directed, and also at any subsequent Time, and from Time to Time, upon the Request in Writing of any Seyne Owner, and also, although not so requested, when and so often as he shall think fit, and with or without Assistants or Attendants, to enter into any Seyne Boat employed in the said Pilchard Fishery to measure and ascertain the Length and Depth of any Seyne used or intended to be used in the said Fishery, whether the same shall have been previously registered or not, and to examine the Names and Marks on the Leads of any such Seyne which shall have been registered, and to ascertain whether such Seyne shall correspond with the Registration thereof for any such Turn or Stem as aforesaid; and also to measure and ascertain the Lengths and Sizes of the Warp Rope, Tow Rope, and Mooring Ropes respectively; and the reasonable Expences for the Time or Trouble of the said Registrar and his Assistants or Attendants shall be paid or borne by the Owners of the Seyne Net, if the same, or the Warp Rope, Tow Rope, or Mooring Ropes, shall appear to be deficient in Length or Size, or otherwise defective, according to the Directions of this Act, or in case any of the Names or Marks on the Leads of such Seyne Nets shall be found to be obliterated or wanting, or shall not correspond with the Registration thereof, over and above any Penalty annexed to any such Offence; and in case no such Defect, Obliteration, or Want of Correspondence as aforesaid shall appear, then such Expences shall be paid or borne by the Seyne Owner at whose Request such Entry and Examination may have been made, in case such Entry and Examination was made on such Request as aforesaid, such Expences to be recovered in the same Manner as Penalties and Forfeitures are made recoverable under this Act; and if any Person shall obstruct or hinder the Registrar for the Time being, or any of his Assistants or Attendants, from entering such Boat, or in measuring any Seyne Net, Warp Rope, Tow Rope, or Mooring Rope, every Person so offending shall for every such Offence forfeit any Sum not exceeding the Sum of Twenty Pounds.

The Registrar authorized to enter into any Seyne Boat.

XXXIV. And be it enacted, That it shall not be lawful for any Seyne Owner or other Person to put any Seyne Net on board any  
 [Local.] 13 F Boat

One Hour's Notice to be given to the



Registrar previous to a Seyne Net being put on board for the first Time.

Boat for the first Time in any Season, to be used in the said Fishery, or to return to any such Boat any Seyne which shall have been landed therefrom for the Purpose of being housed or stored, without giving One Hour's previous Notice thereof in Writing to the Registrar of the Intention so to put on board or return such Seyne Net as aforesaid, in order that the same and the Ropes used therewith may be examined by such Registrar.

Where the Dimensions of a Seyne or of the Warp or Tow Ropes are found deficient, the Owner precluded from taking Turn or Stem therewith.

XXXV. And be it enacted, That in case, upon any Examination thereof by the Registrar, any Seyne, or the Warp Rope or Tow Rope used therewith, shall not be found by the said Registrar to be of the Dimensions by this Act required, then and in any such Case the Owners of such Seyne shall be precluded from holding or taking any Turn or Stem with such Seyne, or with the Boat in which the same shall be, or if the same shall not have been registered as aforesaid, from registering the same, or the Boat in which the same shall be, or any Boat belonging to the same Seyne respectively, until all such Defects in Dimension shall have been removed, and such Seyne and Ropes shall have been re-examined and found perfect by the Registrar.

Registrar to inspect and examine the Nets.

XXXVI. And, for preventing Frauds on the Provisions of this Act by the Alterations of Nets and Netting during the Fishing Seasons, be it enacted, That it shall and may be lawful to and for the Registrar to be appointed under the Provisions of this Act, and he is hereby required, at the Request in Writing of any Owner of a Boat and Seyne employed in the said Fishery, or if he shall so think fit without such Request, to require the Owners or Owner of the Boats and Seynes employed in the said Fishery, or any such Owners or Owner, to produce to or before such Registrar, at any reasonable Time or Times during any Season of the said Fishery, for his Inspection and Examination, all such Seyne Nets and Stop Nets as such Owners or Owner respectively may have caused to be registered in or for such Season; and if any such Owner, after Notice in Writing to him or them, or to his or their Agent or Agents, shall refuse or neglect to produce to such Registrar, and permit him to inspect and examine, all the Seyne Nets or Stop Nets which shall have been so registered by such Owner, except such of them as shall have been lost or destroyed, or shall be no longer the Property of such Owner; or in case any of such Seyne Nets or Stop Nets, or the Leads thereof respectively, shall have been fraudulently altered or shifted for the Purpose of using such Stop Nets or any of them as a Seyne Net, or for the Purpose of using any Seyne Net or Part thereof as a Stop Net or Thwart Net, or otherwise for the Purpose of evading the Provisions of this Act, every Owner who shall so neglect or refuse to produce such Nets as aforesaid, and every Owner of a Net which shall have been so fraudulently altered as aforesaid, shall for such respective Offence forfeit any Sum not exceeding the Sum of Five hundred Pounds; and in every Proceeding against a Seyne Owner for neglecting or refusing to produce any such Nets as aforesaid it shall be incumbent on such Owner to prove the Loss or Destruction, or otherwise account, to the Satisfaction of the Justice

Penalty.



before whom such Proceeding shall be had, for the Absence of every Net which he shall have so neglected or refused to produce.

XXXVII. And be it enacted, That no Seyne Boat or Tow Boat, having its respective Nets on board, shall remain or be left at Anchor or be moored or fastened within the Limits of any of the aforesaid Six several Stems or Stations without Five Men at the least on board such Boat the whole Time the same shall remain at Anchor or be moored or fastened as aforesaid, unless the same Boat shall be so at Anchor or moored or fastened within Fifty Fathoms of the Shore, or within the usual Anchorage in the Roadstead of *Saint Ives* Pier; and that if any such Seyne Boat or Tow Boat, having its respective Net on board, shall be left or found at Anchor within the Limits aforesaid (except as aforesaid) without Five Men at the least on board such Boat respectively, the Owner or Owners of such Boat shall for every such Offence forfeit any Sum not exceeding the Sum of Ten Pounds.

Penalty on leaving Boats at Anchor without Five Men on board.

XXXVIII. And be it enacted, That no Mooring Rope to be bent or fastened to any Anchor, and used in mooring any Seyne Net, within the Limits of any of the aforesaid Six several Stems or Stations, shall exceed Forty Fathoms in Length, and that all Anchors to be used in mooring Seynes within the Limits of any of the aforesaid Six several Stems or Stations shall have One Flock only; and that if any Seyne shall hereafter be moored within the Limits of any of the aforesaid Six several Stems or Stations with any Anchor having Two Flocks, or with any Rope longer than Forty Fathoms, to be computed after the Rate aforesaid, the Owner or Owners of every such Seyne shall forfeit and pay any Sum not exceeding the Sum of Ten Pounds for every such Offence.

Mooring Ropes not to exceed Forty Fathoms, and Seyne Anchors to have but One Flock.

XXXIX. And be it enacted, That there shall be a proper and sufficient Buoy and Buoy Rope made fast to every Anchor which shall be used in mooring any Seyne Net within the Limits of any of the said Six several Stems or Stations, so as to point out and discover every such Anchor during all the Time that such Seyne shall remain in the Water, and in default thereof the Owner or Owners of every such Seyne Net so moored within the Limits aforesaid by any Anchor without a sufficient Buoy and Buoy Rope fastened thereto shall forfeit the Sum of Ten Shillings for every Anchor used in mooring such Seyne Net without having a sufficient Buoy and Buoy Rope made fast to the same, as aforesaid.

Every Anchor used in mooring to have a sufficient Buoy and Buoy Rope.

XL. And whereas, when more than Two Seyne Nets are moored together, it may frequently happen, by the Violence of the Tide or otherwise, that the Anchors of some of the outermost of the said Seyne Nets may drive or start, or the Mooring Ropes belonging or fastened to such Anchors may part or break, by means whereof the Sides of the inner Seyne Net or Nets may be forced too near together, so as to endanger the Loss of the Fish enclosed therein; be it therefore enacted, That in all such Cases the Owners of such outermost Seyne Net whose Anchors shall drive or Mooring Ropes part as aforesaid shall, upon Notice being given to any One of such Owners, or to the Hewer

Penalty on Master Seyner neglecting to give Assistance, &c. in case of drifting or starting of Mooring Ropes, &c.

of



of such Seyne or Master Seyner thereof, immediately assist and send One Boat, manned with Five Men at the least, to replace the said outermost Seyne in its proper Berth or Station again; and in case of any Neglect or Refusal to afford such Assistance as aforesaid the Owners or Master Seyner of the inner Seyne Net or Nets so in danger of losing their Fish as aforesaid shall be at liberty to replace such outermost Seyne into its proper Berth or Situation, and the Owner or Owners of such outermost Seyne neglecting to afford such Assistance as aforesaid shall for every such Offence forfeit the Sum of Five Pounds to the Owner or Owners of the said inner Seyne Net or Nets, for and towards the Expence of replacing the said outermost Seyne Net as aforesaid.

Two Seynes may be moored together with Ten Anchors on the East and West Sides of such Seynes.

XLI. And be it enacted, That if more Seyne Nets than One shall happen to be in the Water at the same Time with Fish enclosed in each, the Owner of the Seynes which there shall be Occasion to moor, after the first Seyne shall have been moored, shall be at liberty to moor the said Seynes together, fastening the Cork Rope of the one Seyne Net to the Cork Rope of the other; provided there be not less than Ten sufficient Mooring Anchors put out on the Southern Sleeve or Side of the Southernmost Seyne Net, and no less than Ten sufficient Mooring Anchors on the Northern Side of the Sleeve of the Northernmost Seyne Net; and if the Owner of such Southern or Northernmost Seyne shall neglect to moor his respective Seyne Net with Ten sufficient Mooring Anchors as aforesaid, such Owner shall for every such Offence forfeit any Sum not exceeding the Sum of Forty Pounds.

Penalty.

One Anchor to the Bunt of every Seyne.

XLII. And be it enacted, That the Bunt or Middle of every Seyne Net in which Fish shall be enclosed shall be moored with One sufficient Anchor at the least, when such Seyne shall be hauled into her proper Berth, and there moored on the Sleeves or Sides as aforesaid.

Seyne that is first moored to attend the Mooring of every other Seyne.

XLIII. And be it enacted, That when any Seyne Net with Fish enclosed therein shall be moored within any Cove or Berth, and it shall be necessary to moor any other Seyne Net in the same Cove, the Owner or Owners or Hewers of the Seyne so first moored shall send out a Boat, manned with Four Men at the least, to attend the mooring of such other Seyne Net, to see that the Seyne first moored shall receive no Damage by the hauling in or mooring such other Seyne Net into the said Cove; and in case the Owners of the Seyne first moored shall neglect to send out such Boat so manned as aforesaid, the Owners of such other Seyne Net shall not be answerable for any Damage to be done or which shall happen by hauling such other Seyne Net into a proper Berth in the said Cove, and mooring there.

Penalty for cutting off Rope belonging to Seynes, &c.

XLIV. And be it enacted, That if any Person shall, either by Day or Night, wilfully and maliciously cut or cast off, or cause to be cut or cast off, any Warp Rope, Tow Rope, or Mooring Rope, of or belonging to any Seyne or Thwart Net in the Water; or shall wilfully and maliciously cut, break, or destroy any such Seyne or Thwart Net in the



the Water; or shall wilfully and maliciously cut, cast off, or unbend any Cable, Hawser, or other Rope, either fastened on shore or bent to any Anchor then used for mooring any Ship or Vessel which shall be lying in the Pier or Harbour of *Saint Ives* for the Purpose of loading Fish; or shall wilfully cut, cast off, or unbend any Hawser or Rope fastened on shore or bent to an Anchor then used for mooring any Boat whatsoever lying within the said Pier or Harbour; then and in any of the said Cases every Person so offending, being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall be liable to be transported beyond the Seas for Seven Years, or to be imprisoned for any Time not exceeding Three Years, at the Discretion of the Judge or Court before whom such Offender shall be tried.

XLV. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to hinder or prevent any Person or Persons on board any Boat, Ship, or Vessel, coming into or going out of the said Pier or Harbour of *Saint Ives*, from cutting or casting off any Rope or Cable, where it shall be necessary to be done for the Safety of any such Boat, Ship, or Vessel.

Proviso relating to Vessels going into or out of St. Ives Harbour.

XLVI. And be it enacted, That all Boats which shall have Occasion to pass and repass within the Limits of the aforesaid Six several Stations between the Twenty-fifth Day of *July* and the Twenty-fifth Day of *December* in every Year shall, during such last-mentioned Space of Time, keep within the Distance of Twenty Fathoms from the Shore; and that if any Boat or Boats, between the Twenty-fifth Day of *July* and the Twenty-fifth Day of *December*, in passing and repassing within the Limits of any of the aforesaid Six several Stems or Stations, shall not keep within the Distance of Twenty Fathoms from the Shore as aforesaid, every Person on board such Boat shall forfeit and pay the Sum of Five Shillings for every such Offence.

Between the 25th Day of July and the 25th Day of December Boats to keep within 20 Fathoms from the Shore.

Penalty.

XLVII. And be it enacted, That no Drift Net Boat, or other Fishing Boat or Vessel, other than and except the Boats employed in the said Pilchard Fishery under this Act, shall, within the Time between One Hour before Sunrise and One Hour after Sunset, on any Day between the Twenty-fifth Day of *July* and the Twenty-fifth Day of *December* in any Year, anchor within the Limits of any of the Six several Stems or Stations, unless at the Distance of more than One thousand two hundred Fathoms from the Shore; and the Master or other Person having the Care or ordering of any Boat or Vessel anchoring within the said Limits aforesaid, contrary to the said Act, shall forfeit any Sum not exceeding the Sum of Five Pounds for every Offence.

Penalty on other Fishing Boats anchoring within the Limits of the Six Stems.

XLVIII. And be it enacted, That, from the said Twenty-fifth Day of *July* until the Twenty-fifth Day of *December* in any Year, no Person shall fish for any Hook Fish, or throw or lay any Boulter or Ground Tackle for taking Fish, or make use of any Trawling Net, or any other Net not belonging to and lawfully in use in the Pilchard Seyne Fishery under this Act, within the Distance of One thousand Fathoms from the Shore within the Limits of any of the Six several Stems and Stations in this Act mentioned; and that every Person

Penalty on fishing for Hook Fish, &c. between 25th July and 25th December.



Penalty.

offending herein shall for every such Offence forfeit any Sum not exceeding the Sum of Ten Pounds.

A Registrar  
to be ap-  
pointed.

XLIX. And be it enacted, That it shall and may be lawful for the Owners of Boats and Seynes employed in the said Pilchard Fishery to elect a Registrar, for the Purposes of this Act, at a Meeting to be summoned in manner herein-after mentioned.

Mode of ap-  
pointing or  
electing the  
Registrar.

L. And be it enacted, That the Mayor of the said Borough of *Saint Ives*, whether interested in the said Fishery or not, or in case of the Death, Absence, or Disability of the said Mayor, or of any pending Proceeding or Dispute as to the Validity of the Election of the Mayor, then any Justice, whether interested in the said Fishery or not, acting in and for the said Borough, shall, within Two Months after the passing of this Act, and so often thereafter as Occasion shall require, for any Purpose by this Act authorized, on the Requisition of any Owner or Owners of any Boat and Seyne employed in the said Fishery, summon the Owners of Boats and Seynes employed in the said Pilchard Fishery in the said Bay of *Saint Ives* to meet together at some Place in the said Borough of *Saint Ives* in such Summons to be mentioned for that Purpose, and some Day or Time in such Summons to be mentioned, for the Election of a Registrar or other Officer, or the Removal of any Registrar or other Officer, or other Person under this Act; and such Summons shall be affixed to the Town Hall or the Door of the Church in the said Borough, and shall be published in some public Newspaper printed or circulated in the County of *Cornwall*, Seven Days at the least before the Time appointed for such Meeting; and at such Meeting every Election shall be made and every Resolution and other Matter shall be determined by the Majority of the Votes of the Owners of Boats and Seynes present at such Meeting; and at any Meeting in the Year One thousand eight hundred and forty-one every Owner shall be entitled to One Vote for each Seyne he may have had registered under the said recited Act in the Year One thousand eight hundred and forty, and this Act; in the Year One thousand eight hundred and forty-two, and in every subsequent Year, every Owner shall be entitled to One Vote for every Seyne which he shall have had registered in the Year then next preceding, under the Provisions of this Act; and the Partner in any Company, Concertship, or Partnership who shall have so registered, if One Partner only shall be present, or if Two or more Partners in such Company, Concertship, or Partnership shall be present, then such Two or more Partners collectively, shall have and be entitled to One Vote for each Seyne which shall have been registered as aforesaid, by or on account of such Company, Concertship, or Partnership; and the Votes shall be taken at such Meeting by some Person nominated by the said Mayor or Justice by whom the Meeting shall have been summoned to receive the same; and the Person taking such Votes shall receive such Sum of Money for his Trouble, not exceeding One Pound, as the Mayor or Justice by whom such Meeting shall have been summoned shall appoint, which Sum shall be paid out of the Fund herein-after mentioned; and the Votes taken and the Result thereof shall be returned to the Mayor, or some Justice acting as aforesaid, and verified by the Declaration of the Person taking such Votes; and a Certificate under



the Hand and Seal of such Mayor or Justice, of the Election of a Registrar or other Officer, or of the Resolution of the said Owners at such Meeting, shall be Evidence for all Purposes that such Meeting was duly summoned, and that the Parties hereby authorized duly elected, voted, or resolved according to the Terms of such Certificate.

LI. And be it enacted, That it shall be lawful for the Majority of the Owners of Boats and Seynes present, and voting at any such Meeting as aforesaid, to appoint and elect any Registrar, and also any Officers or Persons whom they may think necessary to appoint for the Purposes of this Act, and from Time to Time to remove and dismiss any Registrar or other Officer or Person appointed or to be appointed under this Act, and to define the Duties which such Registrar, Officers, and Persons respectively shall perform under the Authority of this Act, and to fix the Salaries and Remuneration of such Registrar, Officers, and Persons, and to make Rates on the Owners of all Boats and Seynes employed in the said Fishery, so nevertheless that the same Rate shall be always chargeable in respect of every Seyne which shall be registered, and that all such Rates shall not exceed in any One Year the Sum of One Pound for each such Seyne, and to authorize the Registrar to refuse to admit to Registry any Boat or Seyne until it shall be shown that all Rates under this Act shall have been paid, and to authorize such Payments as may appear necessary for the Purposes of this Act out of the Fund herein-after mentioned.

Majority of the Owners of Boats present at any Meeting duly convened may appoint and remove Officers, and fix Salaries and make Rates.

LII. And be it enacted, That all Rates to be made as aforesaid may be recovered by Distress, in the same Manner as Penalties or Forfeitures under this Act, under the Warrant of any Justice, and shall be paid to the Registrar or other Person appointed by the Owners of Boats and Seynes for the Custody of the Fund herein-after mentioned, and shall form a Fund which shall be called the *Saint Ives* Pilchard Fishery Fund, and such Fund shall be applicable, under the Orders of the Owners of Boats and Seynes employed in the said Fishery, meeting and voting as aforesaid, or their Officer to be for that Purpose authorized, to the Payment of the Expences of the Elections herein-before mentioned, and of the Salaries and the other Expences of and connected with the Execution of this Act.

For the Recovery of Rates, &c.

LIII. And be it enacted, That the Registrar to be appointed under this Act shall every Year cause an annual Account in abstract to be prepared, showing the total Receipts and Expenditure of all Rates and Funds levied or received by virtue of this Act for the Year ending on the Thirty-first Day of *March*, or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account duly audited and certified by the Chairman of some Meeting of the said Owners of Boats and Seynes, and shall transmit a Copy of the said Account, free of Charge, to the Town Clerk of the said Borough of *Saint Ives*, on or before the First Day of *June*; which Account shall be open to the Inspection of the Public, at all seasonable Hours, on Payment of the Sum of One Shilling for every such Inspection: Provided

An annual Account to be made up and a Copy thereof transmitted to the Clerk of the Peace.



Penalty.

vided always, that if the said Registrar shall omit to prepare or transmit such Account as aforesaid he shall forfeit for every such Omission any Sum not exceeding the Sum of Twenty Pounds.

Penalty on  
Officers wil-  
fully conceal-  
ing Offences,  
&c.

LIV.. And be it enacted, That if any Registrar, or other Officer to be a appointed under the Authority of this Act, shall directly or indirectly receive any Sum of Money, Bribe, Gratuity, or Reward to prevent, delay, or hinder any Prosecution under this Act, or to abstain or forbear from performing or discharging his Duty under this Act, or shall compound for or wilfully conceal any Offence committed contrary to this Act, such Registrar or other Officer shall forfeit any Sum not exceeding the Sum of Fifty Pounds, and shall be forthwith dismissed from his Office or Employment, and be incapable of being re-elected thereto or reinstated therein.

Officers not  
to hold any  
Shares in  
Boats, &c.

LV. And be it enacted, That no Person who shall be elected and appointed a Registrar or Officer under this Act as aforesaid shall, upon any Pretence whatsoever, either in his own Name or in the Name or Names of any other Person or Persons in Trust for him, have, hold, or enjoy any Share or Interest whatsoever in any Boat or Seyne employed in the Pilchard Fishery within the said Bay of *Saint Ives*, nor act or be employed as a Hewer or Hewers, Seyner or Blowser, to any Person concerned in the said Pilchard Fishery.

Power to  
make Bye  
Laws.

LVI. And be it enacted, That it shall be lawful for the Owners of Boats and Seynes employed in the said Pilchard Fishery, assembled and voting at such Meeting as herein-before mentioned, from Time to Time to make such Bye Laws for regulating the Conduct and Management of the said Fishery, and for the Government of the Hewers, Seyners, Boatmen, and other Persons employed in the said Fishery, and for the Government of the Registrars, Officers, and other Persons appointed under the Authority of this Act, as they shall think fit, and also to repeal or alter any such Bye Laws as they shall think fit, so as no such Bye Laws be contrary to the Laws of *England* or the Provisions of this Act, and so as the same be reduced into Writing, and certified by the Mayor of the said Borough of *Saint Ives*, or some Justice acting in and for the said Borough, to have been duly passed at a Meeting of Owners of Boats and Seynes under the Authority of this Act.

As to Pe-  
nalties to be  
imposed by  
Bye Laws.

LVII. And be it enacted, That it shall be lawful for the Owners of Boats and Seynes employed in the said Pilchard Fishery, assembled and voting as aforesaid, by such Bye Laws, to impose such reasonable Forfeitures and Fines upon the Hewers, Seyners, Boatmen, and other Persons employed in the said Fishery, and upon the Registrars, Officers, and other Persons appointed under the Authority of this Act, offending against the same Bye Laws, as they shall think fit, not exceeding Five Pounds for each Offence: Provided always, that such Bye Laws shall be so framed as to allow the Justices, before whom any Penalty imposed thereby may be sought to be recovered, to order the Whole or a Part only of such Penalty to be paid.

Penalty.

Publication  
of Penalties.

LVIII. And for the Purpose of providing for the due Publication of all Penalties and Forfeitures exigible under this Act, or any Bye Law



Law made by virtue thereof, affecting any other Persons other than the Owners of Boats and Seynes employed in the said Pilchard Fishery, or any Persons employed by them ; be it enacted, That from Time to Time such Owners of Boats and Seynes shall publish the short Particulars of the several Offences for which any such Penalty is imposed by this Act, and of the Amount of every such Penalty, and shall cause such Particulars to be painted on a Board, or printed upon Paper and pasted thereon, and shall cause such Board to be hung up or affixed on some conspicuous Part of the Registrar's Office, or other the principal Place of Business of the said Owners of Boats and Seynes employed in the said Fishery, and where any such Penalties are of local Application shall cause such Boards to be affixed in some conspicuous Place in the said Borough of *Saint Ives*, or the immediate Neighbourhood to which such Penalties are applicable or have reference ; and such Particulars shall be renewed as often as the same or any Part thereof are obliterated or destroyed ; and no such Penalty shall be recoverable unless it shall have been published and kept published in the Manner herein-before required.

LIX. And be it enacted, That if any Person pull down, or break or deface any such Board put up or affixed as required by this Act, for the Purpose of publishing any Bye Law or Penalty, or shall obliterate any of the Letters or Figures thereon, he shall forfeit for every such Offence a Sum not exceeding Five Pounds ; and he shall also defray the Expences attending the Restoration of such Board ; and such Expences shall be recoverable as any Penalty by this Act imposed may be recovered.

Defacing  
Boards used  
for the Pub-  
lication of  
Bye Laws or  
Penalties.

LX. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by this Act, or by any Bye Law made in pursuance thereof, the Recovery of which is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding upon Complaint made before One or more Justices or Justices, who shall not be interested in such Penalty or Forfeiture ; and on the Complaint being made to any such Justice he shall issue a Summons requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons ; and every such Summons shall be served on the Party offending, either in Person, or by leaving the same with some Inmate at his usual Place of Abode ; and either upon the Appearance or upon the Default to appear of the Party offending it shall be lawful for any One or more Justice or Justices, who shall not be interested in such Penalty or Forfeiture, to proceed to the Hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before them ; and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for any One or more Justice or Justices, who shall not be interested in such Penalty or Forfeiture, to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction as such Justice or Justices shall think fit.

Penalties to  
be summarily  
recovered be-  
fore One or  
more Jus-  
tices.

[Local.]

13 H

LXI. And



Penalties may  
be levied by  
Distress.

LXI. And be it enacted, That if forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture, and of such Costs as aforesaid, be not paid, the Amount of such Penalty and Costs, together with the Cost of the Distress, shall be levied by Distress, and any One or more Justice or Justices shall issue their Warrant of Distress accordingly.

Imprison-  
ment in  
Default of  
Distress.

LXII. And be it enacted, That it shall be lawful for the Justice or Justices to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give such sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justice or Justices, for his Appearance before him or them on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Distress it shall appear to the Justice or Justices, by the Admission of the Offender or on other Proof, that no sufficient Distress can be had whereon to levy such Penalty or Forfeiture and Costs, such Justice or Justices may, if they or he shall think fit, refrain from issuing such Warrant of Distress, and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Justice or Justices, then such Justice or Justices shall, by Warrant, cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

Transient  
Offenders.

LXIII. And with respect to Offenders whose Names and Residences are not known, be it enacted, That any Officer or Agent of the said Owner of Boats and Seynes employed in the said Fishery, and all Persons called by him to his Assistance, may seize and detain any Person who shall have committed any Offence against the Provisions of this Act, and whose Name and Residence shall be unknown to such Officer or Agent, and may convey him with all convenient Despatch before some Justice, without any Warrant or other Authority than this Act, and such Justice shall proceed with all convenient Despatch to the hearing and determining of the Complaint against such Offender.

Application  
of Penalties.

LXIV. And with respect to the Application of any Penalties or Forfeiture recovered by virtue of this Act, the Application whereof is not herein otherwise provided for, be it enacted, That the Justice by whom any such Penalty or Forfeiture shall be imposed shall award one Half thereof to the *Saint Ives* Pilchard Fishery Fund under this Act, and the other Half thereof to the Informer or any Person suing for the same.

Complaints  
to be made  
within a li-  
mited Time.

LXV. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act for any Offence herein-before made cognizable before a Justice, unless the Complaint respecting such Offence shall have been made



before such Justice within Two Months next after the Commission of such Offence.

LXVI. And be it enacted, That if any Person who shall be summoned as a Witness before any Justice touching any Offence committed against this Act shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences; or if any Person appearing shall refuse to be examined upon Oath, or to give Evidence, before such Justice, every such Person shall forfeit a Sum not exceeding Twenty Pounds for every such Offence.

Penalty for Nonattendance of Witnesses.

LXVII. And be it enacted, That the Justices before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up according to the Form in the Schedule to this Act annexed.

Prescribing the Form of Conviction.

LXVIII. And be it enacted, That no Proceeding in pursuance of this Act shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts.

Informalities.

LXIX. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money, and the Expence of the Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained.

Distresses to be sold and Overplus returned.

LXX. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction of the special Damage in an Action upon the Case.

Distress not unlawful for Want of Form.

LXXI. And be it enacted, That if any Person shall think himself aggrieved by any Determination or Adjudication of any Justice under the Provisions of this Act he may appeal to the General Quarter Sessions for the County of *Cornwall*, but no such Appeal shall be entertained unless it be made within Four Calendar Months next after the making of such Determination or Adjudication, and unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, and unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court therein.

Parties aggrieved may appeal.

LXXII. And



Court of Quarter Sessions to make such Order on Appeal as they shall think reasonable.

LXXII. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the Hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable, and they may make such Order concerning the Costs, both of the Adjudication and of the Appeal, as they may think reasonable.

When a Forfeiture is directed to go to the Owner of any Boat, the Owner of a Boat not interested in the Boat in respect of which the Forfeiture is incurred, is meant.

LXXIII. Provided always, and be it enacted, That where under this Act any Fish taken by a Seyne shot out of any Boat in violation of the Provisions herein contained is declared to be forfeited to the Owner or Owners of any other Boat, or where, by reason of the Violation of the Provisions of this Act by any Boat, any Forfeiture whatever is declared to or for the Benefit of the Owner or Owners of any other Boat, and it shall happen that the Owner or Owners of the Boat which, under the Provisions herein before contained, would be entitled to the Benefit of such Forfeiture, or any One or more of such Owners, shall be also the Owner or Owners, solely, or jointly, or in common with others, of the Boat in respect of which the Forfeiture shall have been incurred, or shall be engaged in any Concertship according to the Usage of the said Fishery, or in any other Partnership or Communion in the Advantages of the Fishery or of the Fish taken in the same Season, with the Owner or Owners or with any of the Owners of the Boat in respect of which such Forfeiture shall have been incurred, then and in every such Case the Benefit and Advantage of such Forfeiture shall devolve upon and belong to the Owner or Owners of the Boat and Seyne entitled to the first subsequent Stem or Turn on the same Stem or Station on which the Boat to the Owner or Owners of which the Benefit or Advantage of such Forfeiture would, but for this present Provision, have accrued, shall then hold Turn, other than and excluding every Boat and Seyne which shall belong wholly or in part to the Owner or any of the Owners of the Boat in respect of which the Forfeiture shall have been incurred, or to any Person or Persons engaged in any such Concertship, Partnership, or Communion with the Owner or Owners, or with any of the Owners of the Boat in respect of which such Forfeiture shall have been incurred.

Interpretation Clause.

LXXIV. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say,

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender only shall include Females:

The Word "Month" shall mean Calendar Month:

The



The Word "Person" shall include Corporation, whether Aggregate or Sole :

The Word "Hewer" shall include and apply to any Person who shall act as Hewer for the Time being, and the Term "Master Seyner" shall include and apply to any Person who shall act as Master Seyner for the Time being :

The Word "Oath" shall include Affirmation in the Case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in case of any other Persons exempted by Law from the Necessity of taking an Oath :

The Word "Justice" shall mean Justice of the Peace for the said Borough of *Saint Ives* or for the County of *Cornwall*, and shall also extend to and include the Mayor of the said Borough of *Saint Ives* :

The Word "Registrar" shall extend and apply to any Officer to whom the Duties by this Act imposed on the Registrar, or the Duties by the said recited Act imposed on the Registrar or Clerk, or any of such Duties, shall be assigned by a Meeting of Boat and Seyne Owners under this Act.

LXXV. And be it enacted, That all the Costs, Charges, and Expences of and incident to the obtaining and passing of this Act, and of carrying the same into effect, shall be defrayed and paid by the Partnerships or Companies concerned in the said Pilchard Fishery out of the Monies received or to be received by them under the Authority of this Act, in preference to any other Payment. As to the Payment of the Expences of this Act.

LXXVI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.



The SCHEDULE to which the foregoing Act refers.

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*Form of Conviction.*

to wit. } BE it remembered, That on the Day of  
 convicted before me, C. D. } in the Year of our Lord A. B. is  
 Justices of the Peace for the County or Borough of [*as the Case may*  
*be*], L. [*here describe the Offence generally, and the Time, Place, when*  
*and where committed*], contrary to the Saint Ives Pilchard Fishery  
 Regulation Act, passed in the Fourth Year of the Reign of Her  
 Majesty Queen Victoria. Given under my Hand and Seal the Day  
 and Year first above written.

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