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THE
WEALTH
OF
GREAT BRITAIN
IN THE
OCEAN,

Exemplified from Materials laid before the

Committee of the House of Commons,

APPOINTED LAST

Sessions of Parliament,

To examine into the

STATE

OF THE

British FISHERIES.

AND FROM THE

Public Records, and other authentic Evidences.

De salute reipublicae desperasset.

LONDON,

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MDCCLXIX.

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However the dispute may have turned in the partial minds of contending people, which was formerly argued between Mr. *Selden* and *Grotius*, relating to our dominion in the *British* seas; yet the *Dutch* will not presume, that we waive our right to fish in sight of our own coasts; or that we have forfeited our right, by laying in, as we think at least, a just claim: I say, I apprehend they cannot find another *Grotius* to vindicate such an absurdity; and therefore I shall beg leave to conclude, that our right is unquestionable, and theirs, at the best, doubtful. In this light then, the people of *Holland* can't justly complain, if we use our best endeavours to encourage universal industry amongst ourselves; and thereby, at the same time, procure wealth and happiness. It would be evidently partial to reason against it; especially when we must be considered as their good friends, neighbours, and allies; and that we have submitted more than once to have our poor fishermen maltreated by them on our own coasts; and, while many thousands have wanted bread, have condescended to let the *Dutch* fatten on more than two hundred millions sterling, pick'd up by a laudable industry on our coasts; wherewith, one would think, they ought to be pretty well satisfied, or at least admit that their conduct has been very irregular and unneighbourly; and that they should endeavour solicitously for the future, to recompense their former behaviour by amending it.

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It is very easy to say, that their state is upon the decline, and has hardly any other support than the *Herring* and *Cod Fisheries*; but I hope they will not attempt to prove from thence, that either we are richer, in a better course of commerce, are less in debt, or that our poor ought to be starv'd, to let their people live in plenty and affluence.

As this point respects the affairs of *Europe*, in consequence of the force and powers of the standing alliance between two nations, who affect to be engaged in similar interests, more perhaps may be said than is immediately pertinent to the subject; but in general it all resolves itself into the previous reasoning; and the question only seems to be, not whether we ought to esteem the interest of *Holland* as our own, but whether we should prefer it to our salvation?

In the first light I am willing to join issue with them, and am apprehensive that the ministry may be of the same opinion. But I hope nobody will agree, that because we are willing that the *Dutch* should have the benefit of our fishery, and their own industry; that therefore we must preclude ourselves, and, like miserable captives, look tamely on, while they revel on the products of the *British* mines. And to shew them that I am as much their friend as any considerate *Briton* in his senses can be, I will, as a matter of my own head, make them the following proposal.

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I.

- I. That the *Dutch* subscribe into the bank of *England*, an equivalent to our proposed capital.
- II. That the number of buffes on the same Fishery be equal.
- III. That the *Dutch* submitting to be governed entirely by the free fishery company at *London*, shall have leave to repack their fish, at the company's staple in *Scotland*; and enjoy all the privileges and immunities of *Englismen*, except the purchasing of lands by non-residents.
- IV. That there shall be one common capital, joint-stock, and copartnership.
- V. That any other protestant nation may be included, and employ on the same fishery a number of buffes in proportion to what they contribute to the capital.
- VI. That the government shall be free, in the same manner as the *Hanse* were formerly, and as independent as the dignity of the *British* crown, and nature of the *British* constitution will admit, as far as the making their own laws shall extend, when approv'd by the king and his justices.

VII.

- VII. That thereupon a mutual friendship, amity, and alliance, shall take place between the respective parties, but purely relative to the said fisheries.
- VIII. That in all cases of disputes, where the parties concerned are of different nations, the juries shall be composed accordingly. But in the general concern of the fisheries, all complaints shall be regulated by the governor, &c. of the company in *London*, by appeal.
- IX. That all the interested nations shall have their agents or advocates in *London*, who shall be paid out of the common stock.
- X. And finally, each contracting nation shall have the benefit of the common stores, and of the town, harbour, and conveniencies for retreating to, for supply of provisions and necessaries, and for refitting their vessels.

I apprehend this is a slight improvement on the scheme for *separate* chambers on a *joint* stock, and may, with the aid of a little good digestion, answer a more important end than I chuse at present to explain; but at all events, has this certain truth for its basis: That tho' we are not extremely satisfied in being treated

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as the greatest *ideots* in *Europe*, yet have naturally so happy a *temperature* of mind, and *generosity*, as to consent, that our neighbours may be rich at our expence, if they can be content, that we may *participate* of what we *alone* are entituled to. This surely is not partial reasoning; more especially when we are unquestionably assured, that it is in our power to command what terms we please. But as Mr. *De Witte* has somewhere said, any commonwealth may carry a point against us, if they are obstinate and determined; because a *British* ministry are naturally too indolent or pusillanimous to contend with difficulties; which in their eyes, are a kind of rolling torrents, that bear down all before them. I must honestly confess, that in this, as in many other cases, a *little* national *magnanimity* would not be much amiss in a *Court* or *Ministry*; because where resolution and rectitude, unite, act, and operate together, success generally follows; and the honour and interest of a nation is then properly preserved.

In the manner then that I have stated this, I hope every unprejudiced mind will see, that our intention is not to hurt the common cause, by any attempt, to ruin or reduce the *Dutch*, but to improve the wealth of both nations, and so firmly to unite us in the same bands or alliance, as neither time nor accident, can, in all human probability, separate.

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If the *Dutch* are not consenting to this, we cannot avoid observing on what partial principles they reason: For supposing it were true, that the *Dutch* were declined in their commerce, and it was as true that we were in a rich and healthy state; have they not taught us more than once, that self-interest is the prime motive of action? But if neither be true, as, in fact, they are not; and that we have half a million of people begging or thieving, for want of better employ; shall we not be allowed to pursue the first law of nature, *self-preservation*? Or, if they are in earnest, for a common protestant union, as they seem to affect, is there a more natural and just way of attaining it, than by falling into an inseparable commercial alliance, which may reciprocally benefit each; and this under such protection and encouragement, as cannot well fail of producing very happy effects?

In this state there can be no advantage taken of each other; their views will be the same, the expences alike, and the markets uniform and steady; and each greater gainers than they can possibly be on contentious principles. The wealth acquired will proportionably bless the industry of the respective contracting nations, and be returned home for the benefit of the families of the parties concerned.

This, I apprehend, to be the fairest light we can put it in, to prevent the least shadow
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of complaint from those, who, in this affair, seem to think of no body but themselves, and who may, by this, see, that they are disputing with a nation who are generous enough to consider their friends and allies as involv'd in one and the same common interest.



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A N

HISTORICAL and CRITICAL

S T A T E

OF THE

British FISHERIES.

THE intention of reviving the long dormant state of the *British* fishery, is to open a new channel of commerce, always presumed extremely beneficial, often vainly attempted, and now, if not impeded by some extraordinary and distinguished political legerdemain, in a fine way, not only to be recovered, but to be carried to the utmost state of perfection, whereof things of this nature are capable. For I doubt not but the principles we shall lay down are true, the reasonings upon them just, and the conclusions happy.

There are few who concern themselves in a knowledge of what is doing in the world, but have heard, that a bill was lately depending in parliament, for the reviving, encouraging, and carrying into execution, a plan form'd for a regular fishery in the north of *Scotland*; nor but what have been generally acquainted with the great utility thereof to this nation; provided that it met with suitable encouragement from the Legislature, and to be conducted by men of skill and honour. The reason of the bill's not passing was, as I apprehend, principally owing to the like circumstances as now engages the honourable persons

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who interest themselves deeply in this affair, to publish the following lights. They could not early enough in the sessions procure all the necessary materials, for the making of themselves perfect masters of the subject; and indeed were they inclin'd to shew what labour, assiduity, and expence, it has been attended with, it may rather be matter of admiration, how they were able to furnish themselves so soon, than that they were not prepared earlier. But now that point is carried, they apprehend their discoveries of so much consequence to the informing of the judgments of all mankind, both as to the practicability and importance of this invaluable undertaking, that they conceive it at once both their duty and their interest, to make the same universally known; and which is here attempted in the most orderly and conspicuous manner imaginable.

The first lights that present, respecting the nature, genius, and œconomy of the *British* herring and cod-fisheries, appear in the statutes of *Edward III*, *, and is there so well digested, and the laws so rightly considered and adapted, that therefrom, and from some subsequent institutions of the *English* parliament, of not a much later date, those measures have been artfully contrived, and industriously pursued by our neighbours of the UNITED PROVINCES, which has furnished them with wealth, superior to what *Spain* has acquired by the *American* mines, supported them in throwing off the yoke of that power, and has made them truly High and Mighty. How, after so good a foundation laid here, for the increasing of the wealth and prosperity of this nation; the same gradually declined, and dwindled into the state we are now attempting to retrieve it from; and how the *Hollanders* came to engross and improve it into so high a degree of perfection, will appear in its proper place. I shall here, for order sake, begin at the fountain head, end so trace the state and condition of the fishery, both as it regards ourselves and our neighbours, regularly down, whereby, with the aid of proper remarks, annotations, and reasonings, I hope to reduce the subject so perfectly to the un-

* It may be remarked, that this was not the origin of the fishery, for it is in one of these statutes intimated, that the King only therein pursues the laudable example of his grandfather; but we have no records further back, and did not chuse to treat the public with meer surmises of our own.

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derstanding of all men, and to make my countrymen so clearly masters of it, that if it has no other present effect, it may stand as a lasting and perpetual monument of our negligence, and of the high complaisance we so generously pay our neighbours, at the expence of our own welfare.

Our *Edward the Third* was the greatest, noblest, and truest *English* monarch that ever reign'd. He made his successful wars operate to the great ends of introducing manufactories, and the encouragement of domestick trade, and foreign commerce to as high a pitch as the nature, genius, and skill of the times could possibly admit. He brought over the *Flemings*, who first taught our ancestors to work up their wool into fine goods; and, for aught we can discover to the contrary, was the first King who thought of making the neighbouring ocean answer all the happy purposes which could be expected from the possession of gold and silver mines. In his reign therefore we fix our date, and there find those wise institutions, which has produced all those glorious consequences in favour of the *Hollanders*, as is previously mentioned.

The first statute we find was made in the 31st year of his reign, and is by way of pre-eminence and distinction, called the *Statute of Herrings*. It is thereby directed, ' That no *Herrings* be bought or sold at sea till the fishers be come into the haven with their herring, and that the cable of the ship be drawn to the land'.

This *Institution* the *Dutch* have made their own, and adhere to it with that strictness, as to make a failure in this point, *Felony*.

Great Yarmouth was, in those days, the principal, if not the only mart or fair, whereto all the fishers resorted, and where all dealings for *Herrings* were transacted, for home consumption or for foreign markets. This appears by Chapter the second of the same statute, and will be shewn hereafter to be of the utmost consequence, that no more than one mart or staple should be admitted,

' This chapter directs the order and time of bringing and selling of herring at *Yarmouth* fair. It directs, that six score shall be accounted to the hundred, and to the last ten thousand, which is the rule the *Dutch* now go by. It likewise ascertains the price, and adjusts the profits which shall be made of each last. This article is not at-

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‘ tended to by the Dutch, nor can be follow’d in any new
 ‘ institution of our own. The Barons of the Cinque
 ‘ Ports are constituted to govern the fair of Great Yar-
 ‘ mouth, and are to follow the ordinances by the statute
 ‘ directed. The present mode of the Dutch is somewhat
 ‘ similar, and for reasons which will be hereafter given,
 ‘ something of the like kind must be done, to regulate our
 ‘ future fisheries by. And it is by the third statute of the
 ‘ same year directed, in order to prevent forestalling the
 ‘ market, and consequently raising the price of the Her-
 ‘ rings, that the same shall be sold between sun and sun ;
 ‘ and actually agreed for before they be delivered out of
 ‘ the ship. The penalty is the forfeiture of the fish, and
 ‘ imprisonment during the pleasure of the King and
 ‘ council.’

‘ The 35th of Edward III. recites the preceding sta-
 ‘ tutes, and enacts against selling privily, or by covin, or
 ‘ that a second chapman shall deal, before the first that
 ‘ offers has either finished, or quitted bargaining.’

By the 22d of Edward IV. chap. 2d. it is enacted,
 ‘ That each barrel of herring shall contain thirtytwo gal-
 ‘ lons. That the fish shall be of one time, taking, and
 ‘ salting, and be so packed; and in all part of the barrel
 ‘ alike, on forfeiture of three shillings and four pence
 ‘ each barrel.’

N B. The Dutch institutions on this head will be taken
 notice of in the proper place.

It is likewise by the same statute enacted, ‘ That the
 ‘ chief officers of boroughs, &c. shall appoint searchers,
 ‘ to search and gauge vessels of fish, and to see that they
 ‘ keep their lawful measure, and assize, according to the
 ‘ ordinances aforesaid.’

This last Article the Dutch carefully adhere to, and the
 offender is subject to very severe penalties.

The 11th of Henry VII. chap. 23. recites the above
 statute, ‘ and settles the fees of gaugers, and searchers,
 ‘ and constitutes them the actual packers for foreign or
 ‘ coast markets, with penalties annexed, in case of fraud
 ‘ or negligence.

By the 5th of Elizabeth, chap. 4th, it is enacted,
 ‘ That herrings, &c. exported abroad in Ships of English
 ‘ subjects, shall be free from payment of any customs,
 ‘ subsidy, or poundage money.’

By

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By the 13th of Elizabeth, chap. 11. the abovementioned
 act is continued for a limited term, and it is
 thereby further enacted, ‘ That no vessels, during the
 ‘ time of the fishing for Herrings, shall drive amongst
 ‘ the fishers, to interrupt them in their fishing, and da-
 ‘ maging their nets, under the penalties therein expressed.
 ‘ And the assize of Herring barrels is thereby settled at
 ‘ 32 gallons, wine measure, which is about 28 gallons old
 ‘ standard; and the Herring to be well packed. And no
 ‘ fish to be cured in England, that is caught by any stran-
 ‘ ger, especially Scottish and Flemish.’

From the contents of this statute it evidently appears,
 that the Flemings were entered into the Herring fishery,
 and that the cautions abovementioned were used in favour
 of ourselves. And it may not be amiss to remark here,
 that as Scotland was then a divided kingdom from us, we
 could not avail ourselves of that coast, as we may do now
 we are an united people. It may likewise not be impro-
 per to note, that the Scots were never deemed very for-
 ward and industrious in their own country, and as they
 were, about this time, involved in intestine troubles, it
 can’t be well supposed, that they were any significant im-
 pediment to the rising commerce of the Flemings in this
 branch. It may be likewise material to observe, that
 Queen Elizabeth, and her ministry, had commercial views
 of quite another nature, which it may not be useless to
 the present subject to explain. The Hanse towns were
 then the common traders of Europe, and usurped so much
 to themselves, as not to suffer any merchants out of their
 own fraternity, to settle or trade in any of their own,
 or in the neutral ports, or inland towns of Germany.
 They had a Staple at London, in the Steelyard, and all the
 trade, as factors, &c. in their own hands. Queen
 Mary first begun to check them, by increasing the duties.
 Queen Elizabeth improv’d on this plan, and added more.
 They, upon this, rebelled, and were turn’d out of the
 kingdom, and our own merchants thereupon encouraged
 to settle abroad. The Hanse had interest enough in Ger-
 many to oppose this, and did oppose it with violence and
 success. Therefore the Queen took their ships, and, by
 degrees, brought them into better temper. In fine, be-
 fore the end of her reign, she ruined them, and establish-
 ed her own merchants; and thereby laid the foundation
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of that flourishing condition we have since appeared in. This grand commercial scheme, and the wars she was engaged in with *Spain*, possibly took up the chief attention of her ministry. And as the fishery views could not be equally extensive as now; because we had not *Scotland*; nor equally beneficial, as the *Dutch* ports lay more convenient for the east country, where was the capital *Herring* market, tho' *France* then was a pretty good one; and as the *Dutch* were attempting to throw off the yoke of the house of *Austria*, and could not well attend to any thing but their proper defence, and a kind of domestic commerce, it is very probable, that they, about this time, established themselves in the *Herring* fishery; for it will appear evident, by some subsequent circumstances, that, in the next reign, they made a much greater figure than, it has been remark'd, that they ever did before, or since. This may have been owing, in a great measure, to that pusillanimity of spirit which appeared in *Elizabeth's* successor, and to a certain invincible tenaciousness of the *Dutch*, whereby they have ever surmounted the greatest obstacles, and overcome the most perplex'd difficulties. These things considered, it is not very hard to account for their rise and progress in this important branch of commerce; nor by a parity of reasoning for the decline of it on our part. For altho' it's more than probable, that their presumption did not carry them into any extremities, during the reign of that immortal princess, yet we shall shew, that she had not long left us for a more glorious state, than our good friends the *Hollanders* assumed to themselves, in a very extraordinary manner, what neither they, nor any other nation, durst have done in her reign.

On the ascension of *James I.* to the throne of *England*, and his temper and disposition came to be founded by the foreign emissaries residing here, that spirited glory which *Elizabeth* had diffused around, began gradually to wear off. The terror of the *English* name subsided, and not only those we had before fatally wounded, but those also whom we had preserved, were alike determined to wave all sentiments of justice and honour, and to do every act in their power, that might raise their own, and depreciate the reputation of *Britain*. The great spirits of the former reign, which yet survived, perceiving into what a com-

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commiserate state of indolence we were falling, exerted their best faculties, though in vain, to preserve a sinking nation. Among the rest, and as of superior talents, to most in that, or in any time since, *Sir Walter Raleigh* appear'd as the advocate of his country; he entered into a regular enquiry of the state of our commerce, and of that of our neighbours, and addressing himself personally to the King, he informed him, with a becoming warmth and zeal, of the deplorable condition into which our trade was, in a few years, fallen. He exhibited to the view of his sovereign the nature and genius of commerce; how it operated towards the welfare of a nation; and, in a very evident and distinct manner, evinced, by what means the *Dutch* were of a sudden risen, from a poor and distressed, to a high and mighty people; and, in particular, by their conduct in carrying on the *Herring Fishery* on our coasts, which he exemplifies by the following wise and judicious remarks.

TOUCHING FISHING.

• The great sea business of fishing doth employ near
 • twenty thousand ships and vessels, and four hundred
 • thousand people are employed thereby yearly, upon
 • your coasts of *England*, *Scotland*, and *Ireland*, with
 • sixty ships of war, which may prove dangerous.
 • The *Hollanders* only, have about three thousand
 • ships to fish withal, and fifty thousand people are em-
 • ployed yearly by them, upon your majesty's coasts of
 • *England*, *Scotland*, and *Ireland*. These three thousand
 • fishing ships and vessels of the *Hollanders* do employ
 • near nine thousand other ships and vessels, and one
 • hundred and fifty thousand persons more by sea and
 • land, to make provisions, to dress, and transport the
 • fish they take, and to return commodities; whereby
 • they are enabled, and do build yearly a thousand ships
 • and vessels, having not one timber tree growing in their
 • own country, nor home-bred commodities to lade one
 • hundred ships; and yet they have twenty thousand ships
 • and vessels, and all employed.

• King.

• King Henry VII. desirous to make his kingdom powerful and rich, by increase of ships and mariners, and employment of his people, sent to his sea coast towns, moving them to set up the great and rich fishing; with promise to give them needful privileges, and to furnish them with loans of money, if need were, to encourage them; yet his people were slack.

• Now since I have traced this business, and made my endeavours known to your majesty, your noblemen, able merchants, and others, who have set down under their hands, for more assurance, and promised to disburse large sums of money, for the building up of a strong, rich, and large sea city, which will increase more strength to your land, give more comfort, and do more good to all your cities and towns, than all the companies of your kingdoms, having fit and needful privileges for the upholding and strengthening of so weighty and needful a business.

• For example, twenty busses built, and put into a sea port town, where there is not one ship before, there must be to carry, recarry, transport, and make provision for each buss, three ships, every ship setting on work thirty several trades and occupations, and four thousand persons by sea and land; inasmuch that three hundred persons are not able to make one fleet of nets in four months for the busses; which is no small employment.

• Thus by twenty busses are set on work persons by sea and land, an increase of eighty-sail of ships, and above one thousand mariners to one town, where none were before, to take the wealth out of the sea, and to enrich and strengthen the land, only by raising twenty busses; then what good one or two thousand will do, I leave to your Majesty's consideration.

• It is worthy to be noted how necessary fishermen are to the commonwealth, and how needful to be advanced and cherished, viz.

- 1. For taking God's blessing out of the sea, to enrich the realm, which otherwise we lose.
- 2. For setting the people on work.
- 3. For making plenty and cheapness in the realm.
- 4. For increasing of ships to make the land powerful.
- 5. For a continual nursery for breeding and increasing mariners.

• 6. For

• 6. For making employment for all sorts of people, as lame, and others, from ten or twelve years of age, and upwards.

• 7. For enriching your Majesty's coffers; for merchandizes, in return for herring and other fish.

• 8. For the increase and enabling of merchants, which now droop and decay.

The same author, to render the advantage made by the people of the low countries more apparent to his sovereign, lays before him at the same time the following particulars relating to the circulation and effect of their fishery trade.

• They send yearly to <i>Quinsborough, Elbing-statten, and Dantzick</i> , between thirty and forty thousand lasts of herrings, which sold at fifteen or sixteen pounds a last, is about	£. 620,000
• To <i>Denmark, Norway</i> , and other parts within the sound, above ten thousand last, which, at fifteen or sixteen pounds a last, tho' often fell for 20, 24, 30, and 36 <i>l.</i> is, on the lowest account, and we send none into those countries.	170,000
• To <i>Russia (Arch Angel)</i> , I suppose the <i>Hollanders</i> send near fifteen hundred last, at thirty shillings the barrel, or eighteen pound the last, and we send twenty or thirty last.	27,000
• To <i>Stoad, Hamborough, Bremen, Empden</i> upon the <i>Elbe, Weaser</i> and <i>Embs</i> , about six thousand lasts, at between fifteen or sixteen pounds the last, is about. — (we none)	100,000
• To <i>Cleaveland, Gulickland</i> , up the rivers <i>Rbine</i> and <i>Maine</i> , to <i>Cologne, Frankfort, &c.</i> herring, and other fish, two and twenty thousand last, at twenty pounds the last is, — (and we none)	440,000
• Up the <i>Maese</i> , to <i>Leigh, Maestricht, Deadlow, Zutphen, Diventer, Cambaen, Swoole</i> , and all over <i>Lukeland</i> , is vended seven thousand last, at twenty pounds the last, is — (and we none)	140,000

C Carried over 1,497,000

	£.
Brought over	1,497,000
<ul style="list-style-type: none"> • To Guilderland, Artris, Hainault, Brabant, Flanders, up the river Antwerp, and all over the Arch Dukes dominions, between eight and nine thousand last, at eighteen pounds, is — (and we none) • To Roan, in one year, by the Hollanders, and others (besides all other parts of France) fifty thousand last, sold at twenty pounds the last, — (and we not a hundred last) 	} 162,000 } 1,000,000
Total	£. 2,659,000

• N.B. They are sometimes sold at twentyfour and thirty pounds the last. Between *Christmas* and *Lent* the duties on herring, and other fish at *Roan* only, the last year of *Elizabeth*, amounted to fifteen thousand crowns, as is attested by Mr. *St. Saviour*, secretary to Sir *Thomas Parry*, then agent there, who handled the business for pulling down the impositions. Then to what great sums amounted the whole, in the respective port towns, to enrich the *French King's* coffers, and to all the *Kings* and *States* in *Christendom* to enrich theirs, more especially those who take, cure, and vend them.

• Besides the great quantities vended to the *Streights*, and the multitudes expended in the *Low Countries*, which produces some hundred thousand pounds more yearly, is necessary to be remembered, and the stream to be turned for the good of the kingdom, to whose sea coasts only, God has sent, and given these great blessings, and multitude of riches for us to take, howsoever it has been neglected, to the hurt of these kingdoms, that any nation should carry thereout, such great masses of money yearly, for fish taken in our seas, and part of them sold again to us, which must needs be a great dishonour to this nation.

• In a word, the main bulk and mass of *Herrings*, from whence they raise so many millions yearly, that enrich so many other kingdoms, and likewise their own

own people, proceedeth from our seas and lands, and the return of the commodities and coin they bring home in exchange for fish, and other things, are so huge, as would require a large discourse apart; and all the amends they make us, is, they beat us out of our trade in all parts, with our own commodities.

I must beg leave to observe, before I proceed further on my authorities, that the above account is, for what reason I can't divine, by some people questioned, whether it be the act of Sir *Walter Raleigh*; and tho' I don't think it signifies much who was the author, so the facts are true; yet I think it incumbent on me to shew, that we have as good reason to believe it the work of that author, as any can be given in similar cases, and at such a distance of time. First I find his name to it, amongst other of his miscellaneous tracts. Secondly, I never heard that it was questioned before, nor now hear the questioners give any reason, but their single *ipse dixit* against it. And lastly, I find, that the pensionary *De Witte*, in his *Political Maxims*, 1669, quotes it as Sir *Walter Raleigh's*, which is a tacit proof that it was generally acknowledged to be his in that age. And therefore, unless better proofs can be given to the contrary, I presume the authenticity of it stands very fair in the favour of the publick eye, which is all, I think, needful at present to say about it. But it is perhaps more to the purpose, that *M. De Witte* acknowledges its veracity, and grounds some of his calculations and remarks upon it.

The same *M. De Witte* likewise quotes *Emanuel van Materan*, who wrote in 1601, who, in some measure, confirms the above account; and says, that there sailed out of *Holland* that year, to the eastward, eight or nine hundred ships, and fifteen hundred busses on the *Herring* fishery; together, two thousand four hundred; and Sir *Walter's* remarks were made in 1618.

He likewise quotes the *Lex Mercatoria*, wrote by *Gerard Malines*, and confirms his account, by another, wrote by *Lieven van Aitzma*, who wrote 1653, and altogether agree, that there were generally taken above three hundred thousand last of *Herring*, and other salted fish, which runs vastly beyond Sir *Walter's* calculation; but he is supposed to mean *Herrings* alone. And Mr.

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De Witte's computation hereupon is, that to procure this immense profit, and to fit out the fishery, it costs only 450,000 l.

I do not find, notwithstanding these noble pushes to recover the fishery out of the hands of foreigners, that any notice was taken of it further during the reign of *James I.* but as many worthy personages had it in their hearts, so it became the subject of a very learned dispute between *Mr. Selden*, on the exclusive right we had to the fishery on our own coasts, and *Hugo Grotius*, who argued for the freedom of the ocean. The first book wrote was called *Mare Clausum*; the answer was entitled, *Mare Liberum*, to both which I refer the curious enquirer for further satisfaction, as it is impossible to give the force of each argument here.

Upon the credit of what *Sir Walter Raleigh*, and others, wrote, what daily experience, and ocular demonstration evinced, and what *Mr. Selden* is reported to have well justified, a fishery company was set on foot in the next reign, but whether through the intestine troubles that afterwards happened, and a long inter-reign, or from what other motives, causes, or accidents, the design then dropt, we are, at present, utterly at a loss about; but we are assured, that nothing material occurred on this head significant, until after the restoration, when we find a very worthy gentleman preparing the public to redeem their lost time, by a set of reasons and reflections delivered with great order and judgment. This is *Dr. Benjamin Worsley*, sometime secretary to the council for trade and plantations, who is reported to be a person of great truth and ingenuity, and who had spent some years, and much money in making himself master of this craft, in *Holland*, and therefore merits a distinguished place here, as indeed it clears up almost every point that we are in pursuit of.

The Observations of Dr. Benjamin Worsley.

1. That the least valuation that hath been hitherto generally put upon the *Herring* fishing, is three millions of pounds sterling * *per Annum*.

* *Sir Walter* makes it above two millions, as has been seen before. *De Witte* admits it, and says it was at this time increased one third, and these authors wrote much about the same time.

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2. That the reasonableness of this valuation may appear, by the number of buffes usually employed in the said fishery, which are said to be at least sixteen hundred, by the quantity of fish usually caught in each of the said buffes; by the registries kept of import and export of the said fish, in the several custom-houses of *Holland* and *Friesland*, and by the known price that the said fish usually bears in all foreign markets.

3. That, according to this valuation, the fishing alone doth amount to more, than either the whole manufactures and commodities of *England* apart; or the whole manufactures of *France* apart; and consequently to more than the whole *Plate*, and annual production of *Spain* considered apart.

4. That the fishing therefore being added to all the rest of the manufactures of *Holland*, both woollen and linen, and to the greatness of its *East-India* trade, doth unavoidably cause a superbalance upon *Holland*, more than upon any state of *Europe* besides; nay, even near to the double; and, by this means, a superbalance also of stock, and strength at sea proportionably.

5. On the other hand, if the scale of the said fishing may, by any means possible, be removed from *Holland*, and transferred unto any other nation, the fishing so transferred shall and must cast near as great an overbalance of trade upon that nation wherein it is, and as great advantage of stock, commerce, and strength at sea, as *Holland* itself now hath.

6. That the fishing then is the very goal or prize of trade; and the very goal or prize of the dominion of the sea, and that thing singly, which whosoever gains, makes himself master of both these: And that thing, which whosoever misseth, doth miss of both these.

7. That if we shall therefore relinquish the said fishing to the *Hollander*, with all the gain and advantage of it, we shall, and must, relinquish of course to him, both the superiority of trade, and the superiority of the power at sea. Yea, we shall, and must, also deprive ourselves of all capacity for ever, to hinder him in either of these two; both because of the extreme loss we have had of our seamen of late, and because we have neither any moral or rational way, or possibility left us of recovering
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the said loss again, unless by setting upon the said fishery.

8. That the *Herring* fishery, though proper only to his Majesty's dominions; and though frequently attempted by us, hath nevertheless hitherto miscarried, even from the very end that hath been propounded to ourselves in it; which is the example of the *Hollander*, and the gain he makes of it; and the necessity we suppose there is of following the same method which we observe him to take in it; which is to catch and save the said fish in *Herring* busses.

9. That this our miscarriage in it, hath not only produced a general indisposition, but general despondency upon the nation, any more to undertake, or adventure upon it, as having entertained a certain secret persuasion, through our unsuccessfulness, that our nation hath not a *genius* for it, and that there is a *mystery* in it, which, though the *Dutch* do well understand, yet we cannot reach it.

10. Whereas indeed the proper causes of all our miscarriages hath, as I humbly conceive, been rather produced from the deficiencies following.

1. Because we have not thoroughly considered that the *Dutch* have many more conveniencies for prosecuting the said fishery than we can possibly have, if we will make *London* the principal scale, seat, or staple, for the said fishing trade, as hitherto we have done; and shall resolve to bring all the fish that is caught into the *Thames**, to be shipped off, as the *Dutch* usually do theirs, before it can be any where else transported.

2. And therefore have not well weighed the great disadvantage of this very foundation itself; in regard it is

* There is a necessity for repacking the *Bartholomew-tide*, or keeping fish: And as the *Dutch* have no place nearer the fishery, they are obliged to carry them home; but we can repack ours on the spot; and, by that means, if the winds are never so favourable, and they use the utmost dispatch, we can be three weeks at market before them. But if we bring our fish into the *Thames*, it will be the very reverse; for then the *Dutch* will be at the *Eastern*, which are the principal markets, three weeks before us. Besides, that there will be, at least, fifteen *per Cent.* difference in the expence. This shall be further illustrated in its proper place.

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not matter of election, that the *Dutch* do bring all their *Herring* first into *Holland*, before it be shipped into foreign markets, but matter of necessity that lyeth unavoidably on them.

The same author proceeds, by very justly remarking, that as the *Dutch* are in possession, practised in the art of fishing, with an establish'd stock, and all things of every kind prepared, people at hand skilful in all the requisite avocations, and the very being of their state depending upon it; so consequently many difficulties will occur, at our first setting out, that can only be surmounted by a large capital stock, a handsome encouragement, and constant protection of the government; and the highest economy, and warmest application of those who undertake the direction; and therefore very judiciously concludes, that we must not only balance stock with them, but turn our thoughts, power, and influence, equally to that point. For as the *Dutch* will not care what disingenuous means they pursue, nor what they lose for a season or two, nor at what hazard: So, if we hope for success, we must enter into suitable measures.

And to this end he proposes to have the King's countenance, and authority of parliament. An exact form'd method in the pursuit of the business, that is clear, rational, and practicable. A method of saving and curing the fish cheaper than the *Dutch*. A means of expediting to foreign markets. A body of select laws or institutions. A set of men of integrity, and of the best abilities to manage or direct. And then, after laying down some rules, which will not perhaps answer at present, he proposes an association of the three kingdoms, and a firm protection for all foreigners that come over. Concluding very wisely, that this fishery must be exempt from all duty, customs, or impost on salt, barrel staves, net yarn, flax or hemp, for making the said net yarn. And I must add, for the vessels rigging, and plank, pitch, tar, and iron, which shall be imported for the special use of the said fishing; which is only the same advantage which the *Dutch* have; and therefore, in this case, requisite.

There is before me another judicious tract, on the same subject, wrote by Mr. *Andrew Yarrington*, I have only an extract of this person's labours, but, from circumstances, it seems, that he wrote much about the same time

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time as *Dr. Worsley*, but he has enter'd more accurately into one branch of the subject, and a very material one, which is cheapness. His heads are,

1st, How the *Dutch* manage their fishery to the best advantage.

2d, How chargeably the *English* go about the same business

3d, How the defects of the *English* fishery may be removed.

The great business of busses building, and net making is at *Enchuyfen*, and places adjacent; so that all the conveniencies for the trade lying near together, it is carried on with the greater expedition and cheapness.

'Tis not in the power of any man to run the prices high, where there is a number of the same profession, and large magazines of stores about him; for, in such case, all live frugally, and labour with diligence not to be underfold.

But where only few of the trade reside, it produces a kind of necessity of all dealing with them. The consequence whereof is, extravagant living, and high prices.

Their timber comes cheaper to them than we imagine: thus, there is, perhaps, always on the spot, timber hewed into the due proportion of an hundred busses; and this being brought to them so prepared, in return for their fish, which, at twelve pence a barrel advance, purchases all their timber, so can they readily run up their busses on a short notice, and at a very cheap rate.

The next care is to preserve the busses from the weather, by keeping them, when at home, in still basons, whereby they preserve their rigging; taking the same entirely down, and save their cables; and are at no expence for people to look after them.

The buss and her materials being under a register, she is always a security for borrowing money, to fit her out with provisions, &c. which is either done at 3 per Cent. or a part risque of the voyage, which is great private encouragement.

They have no less than forty placarts, formed by their direction, for the saving, curing, &c. of their fish.

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The states are always ready to guard them with their men of war, and often to give them a bounty.

The differences that may arise among the fishers, are adjusted by judges of their own chusing among themselves, and therefore dispatched soon at very little expence.

They make salt, upon salt, with *Portugal* salt and sea water mix'd together, and, by that means, have the commodity cheap.

N. B. *This seems the only questionable article; but it is certain, that for some particular purposes they refine the St. Ube's salt.*

On the other side, The duty on materials for building, as on plank and iron, on masts, hemp, pitch, tar, and yarn, throw the balance so much against us, as a moderate bounty will not, in any sense, counterpoise.

The bringing of the vessels into the river *Thames*, or other current, wears out cables and halvers, damages the vessels, and obliges us to be at the expence of men and provisions to look after them, which all drain from the profits, and indeed devour the whole profit. For though the advantage is infinite in a great fishery, as it relates to the state, and to the community; yet it is but trivial in proportion, as it concerns the undertakers.

The fishers standing upon the general course of the practice of our laws, on occasion of little disputes among one another, are liable every day to be ruined, and with them the prosecution of their business. This is a weight which no trade can well bear; much less this in its puerile state; and, if not considered, may be its banè.

Credit is upon a very precarious bottom; none but great bodies can encounter with it; so that a few persons engaging in one or more busses or busses, is absolutely impracticable; for no man in his senses will hazard a voyage for a jail.

The next thing this writer attempts, is to shew us how we may build cheaper than the *Dutch*, which he supposes may be done in *Ireland*, in the county of *Wexford*, up the river *Shane*. His plan looks plausible enough, but as the people of *Ireland* do not take the hint for their shipping, and there are other obstacles in the way, which

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perhaps he did not recollect, I shall wave the subject until we come nearer to the conclusion,

He next recommends *Blackwall*, or the *Isle of Dogs*, in the river *Thames*, to cut harbours or basons, to lay up the buffes; but this, as has been previously hinted at, will be prov'd hereafter to be an idle affair.

Thirdly he proposes to shew, that we can always have salt cheaper than the *Dutch*. But here he only intimates, that he can make salt cheaper, and better than they. But although I am in no kind of doubt of the possibility of making salt cheaper and better, yet as no light is given us into this important seeming secret, the hint is insignificant. However this article is concluded with a very proper observation, *viz.*

That there ought to be a *sea-faring* or *fishing* city, established somewhere; that it should be endowed with great immunities; because that will draw numbers of inhabitants, and is rightly calculated for the enterprize of fishing. To which end he proposes, amongst various other matters,

1. That there be a freedom from taxes for a certain number of years.
2. Freedom from customs and imposts, on commodities used in the fishing trade, and for building of buffes.
3. That naturalization, and liberty of conscience be granted to foreigners.
4. That all differences arising between party and party, relating to the fishing trade, to be determined by members of the same city and trade.

There are several other authors who have furnished us with their thoughts on this subject; but with nothing more material, as I can discover, until very lately; so that I shall now return to observing what has actually been done from time to time, what charters granted, what stock raised, what laws or institutions formed, how proceeded upon, and what has been the consequence.

In the year 1633, *William* Earl of *Pembroke*, *Sir William Courteen*, *Sir John Harrison*, and *Sir Paul Pindar*, associated; and, for their encouragement, King *Charles I.* caused *Lent* to be strictly observed; the importation of foreign fish to be prohibited; and took his naval stores

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from the adventurers. This, I apprehend, ended by the troubles that some few years after happened; for I find no certain account of the effect.

In the year 1654 *Sir Phineas Andrews*, and others, undertook the fishery, and had the following encouragement.

That salt expended in the fishery was exempted from custom and excise.

2. That collections were granted, and made in *London*, and other places, for building of docks, wharfs, storehouses, and renting of ground, for the making, tanning, drying, and mending of nets.

3. An entire exemption from custom and excise, of all naval necessaries, as timber, iron, cordage, &c. used on such occasions.

In the year 1670, the fishery was undertaken by *Simon Smith*, Esq; to whom all the above advantages were granted. And also, that all commodities returned for the produce of fish, were allowed to be imported custom free.

By commission under the great seal, bearing date the 22d of *August*, 13 *Car. II.* his Majesty was pleased to appoint his Royal Highness the Duke of *York*, *Edward* Earl of *Clarendon*, and others, to be a council of the royal fishery of *Great-Britain* and *Ireland*; and his Majesty was pleased to declare,

1. That himself and successors would vouchsafe ever to be, and to be called *Protectors*, &c.
2. The said council were thereby authorized to make laws and statutes relating to the management of the said affair, and government of all their officers, &c.
3. To constitute and depute officers necessary for their service.
4. To enjoin pecuniary mulcts, or pains of imprisonment, on contemners and violaters of the said laws, &c. the same not being derogatory to the statutes, laws, liberties, or acts of parliament.
5. Their fishermen, mariners, masters, and servants, were to be free from all pleas and plaints in any courts of justice, for any thing concerning the said fishery, &c.

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except before the said council, or judges, to be by them delegated.

6. Their fishermen, or boats, &c. whether at sea, or in port. not to be arrested or impressed for his Majesty's service or affairs, without the consent of their owners.

7. Nor put in assizes, juries, inquisitions, &c. nor made collectors, nor compelled to be constables, or tythingmen, against their wills.

8. The said council were empowered to set up a lottery for three years; and to appoint a free collection in churches, for raising of moneys to be employed, for erecting wharfs, docks, store-houses, and granaries, in all ports convenient for that purpose.

9. That for the space of seven years from their first entrance on the fishing trade, no custom inwards or outwards to be paid for the sale of fish, either in the *Baltic* seas, *Denmark*, *Norway*, or *France*.

10. That they might freely vend their fish in foreign parts, and make returns thereof in the commodities of the place, without interruption, by vertue of any charter theretofore granted.

11. That all victuallers, inns, taverns, &c. should take one or more barrels of herrings yearly, at the price of thirty shillings a barrel, until foreign vent should be attained to perfection, according as the said council shall order the same.

12. Herrings and cod introduced by foreigners, shall pay two shillings and sixpence each barrel to the stock.

13. In case of war, his Majesty promises to protect the fishery.

14. To grant further privileges and immunities, as future experience should evince the necessity.

Upon this fine scheme nothing was done; instead whereof, a treaty of commerce was, in 1668, entered into with the *Dutch*. By the 11th article whereof, there is a tacit permission in general words, for them to fish on our coasts.

In 1672 war was declared against the *Dutch*; and in 1673-4, a treaty of peace; whereby the *Dutch* oblige themselves to pay the King 800,000 patacoons. And the interest of both nations being intimately connected, in

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in order to support themselves against the growing power of *France*; and the *Dutch* having, at that time, a great influence over the *British* parliament, as appears by the history of those times; it is no wonder that the above in part recited commission did not take place to any effect.

However a patent was soon after made out, bearing date the 25th of *September*, 1676, constituting the Duke of *York*, the Earl of *Danby*, and others, one body politick and corporate, by the title of the *Company* of the *Royal Fishery* of *ENGLAND*, with power to purchase lands, &c. to the value of one thousand pounds a year. To have a common seal; to assemble and make laws, to erect houses and storehouses, &c. and the institutions generally the same, as in the recital of the above commission declared.

In consequence whereof they went to work upon a very small stock, about 10980*l.* and were in a great measure ruined by success, having soon exhausted their store; and the *French* at length seizing their vessels, as being chiefly mann'd with *Dutchmen*. Whereupon more members were admitted, and a farther subscription set on foot. But after several meetings, the original patentees entirely withdrew themselves. The new members called in others to their aid, and entered with them into a certain deed of agreement, to raise 300,000*l.* and struck out a new constitution, immaterial, and of too great length to be recited here; more especially as it was next to impossible to succeed, as we were politically circumstanced. The *Dutch* interest prevailing at court, and the countenance and protection thereof withdrawn, and as they were to launch forth on a dead stock, without a public premium to establish the first outset, against a powerful people in full possession, and sacredly protected by the state.

And as a certain fatality attended all their designs, by acting on a principle that is hardly yet got out of peoples heads, which is the carrying on of the fishery from the river *Thames*, in the effect as bad as carrying it on from *Constantinople*, or *Jamaica*; whereby every notion of cheapness and dispatch is utterly destroyed, and all proceedings thereupon totally ineffectual, and has blasted all designs of this nature in the flower.

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There needs nothing more than common sense to see this argument in the clearest light imaginable, on considering only one single point. Suppose the wind westerly, for example, when the vessels come off the fishing grounds in September. The Dutch may get home, repack their fish, and be at the Eastern markets, before our vessels can possibly beat up to London; and it's about ten to one in such case, but the foreign markets are froze up before we can get at them. If when they are ready, the wind proves easterly, it is absolutely impossible to save the season; the Dutch find it difficult enough; but here it is quite impracticable. I do not hence presume absolutely, that the trade can never get to market in time; for if a fresh easterly wind brings them off the fishing ground into the Thames, and when they are ready to sail again, the wind happily shifts in their favour, the end may be attained; but this is putting it to a risque, that no man in his senses will believe right, especially when we can command ports, that are in every respect convenient, and where all such risques are avoided.

This point was very necessary to settle, as upon it essentially depends a solution, in part, of the main question in vogue, why the English have never succeeded in this fishery. The reason given is, I hope, sufficiently plain and obvious; and if no other errors had occurred, or other accidents or impediments intervened, the making the Thames the staple must necessarily ruin all such-like enterprizes. I say then, that considering all these things together, it will be no great secret, why the various undertakers heretofore fail'd of success.

The next author I meet with of any consequence, is Sir John Burroughs, whom I take to have been a naval officer. He has given us a state of the Dutch fishery in the year 1633; but his book don't seem to have been published until 1650. It is a regular form'd plan for the conducting our fisheries, copying in many of his thoughts after Sir Walter Raleigh; but his calculations run much higher in favour of the Dutch: And with Mr. Selden he asserts the supremacy of the Kings of England over the narrow seas; and therefore supposes the sole right of fishing to be in those whom the Kings of England had, or may at any time hereafter, for that purpose, charter. By his account, the fish were in greater plenty upon our

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coast than at present, and computes the whole Dutch fishery to consist of six thousand four hundred vessels, including the fishers and their dependants, and to employ one hundred and twelve thousand fishermen and mariners. He asserts, that they took in one season 300,000 last of herring, which at only 12 l. a last, amounts to 3,600,000 l. sterling. But he very justly finds that too low a valuation; and at about 17 l. a last, which is the nearest average, the amount is about five millions. He likewise affirms, that independant of duties on other commodities, the custom on fish only, amounted to 300,000 l. but herein all salt fish are included.

The same author, after enumerating the variety of tradesmen and artizans employed on account of the fishery; and what vast advantages result to Holland therefrom, gives us the following remarks on the state and situation of things in his time.

It maketh much to the shame and ignomy of this nation, says he, that God and nature offering us so great a treasure, even at our own doors, we do notwithstanding neglect the benefit thereof, and by paying money to strangers, for the fish of our own seas, impoverish ourselves to make them rich; insomuch, that for want of care and industry in this particular, two hundred twenty-five fisher towns are decayed, and reduced to extreme poverty, which may be retrieved in the following manner.

By erecting two hundred and fifty buffes of reasonable strength and bigness; there will be employment for one thousand ships; they will employ at least ten thousand fishermen and mariners; and consequently as many tradesmen and labourers. He might have said twice as many of the first, and three times as many of the last.

The returns for the fish exported, will considerably improve the public revenue.

Our shores and harbours are near the places where the fishes do haunt, and therefore from some parts of his Majesty's dominions can be at the foreign markets before the Dutch can arrive in Holland.

We have means of transporting of our fish into some northern countries, where the Hollanders seldom or never come; and tho' we had as many buffes as the Hollanders, yet is there vent for all or more. For in

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the east and northern countries, and in many other places, *Herrings* are every days meat, winter and summer, as well to draw on drink, as to satisfy hunger; and, for the greatest part of the year, are scarce to be had in most places. For presently after *Michaelmas* many of the rivers are frozen up, and not open again until the latter end of *May*.

Lastly, we may easily grow expert in the art of fishing, and in time make it a staple commodity of our own. In order whereto it must be considered,

That we want order and discretion in our fishing, every man being left to himself to fish as he best likes; whereas the *Hollanders*, two of the best experienced fishermen are appointed to guide the rest of the fleet, all others being obliged to follow them, and to cast their nets according to their direction.

The merchants come upon the spot, and join in the purchasing of the busses as they are laden, and return with them into *Holland* to see them repacked for foreign markets. N. B. I think this is not the present practice, but they may purchase them immediately on their arrival in port.

Considering therefore, that the Kings of *England*, by immemorable prescription, continual usage and possession, the acknowledgment of all our neighbour states, and the municipal laws of the kingdom, have ever held the sovereign lordship of the seas of *England*; and that unto his Majesty, by reason of such sovereignty, the supreme command and jurisdiction over the passage, and fishing in the same, rightfully appertaineth. Considering also the natural site of those our seas, that interpose themselves between the great northern commerce, and of the east, west, and southern climes, and withall the infinite commodities that by fishing in the same is daily made, it cannot be doubted, but that his Majesty, by means of his own wisdom and virtue, and by the industry of his own subjects, may easily, without injustice to any Prince or person whatsoever, be made the greatest monarch for command and wealth, and his people the most opulent and flourishing nation in the world.

This is not only the opinion of Sir *John Burroughs*, and all writers, at all times on the same subject, but of the

the sovereign and legislature on various occasions, when any branch of the fishery came before them; of which I shall here give one instance, out of many, because of its peculiar aptness and conciseness.

The statute of the 13th and 14th of *Charles II.* chap. 28. is thus introduced.

WHEREAS the public honour, wealth and safety of this realm, as well in the maintenance of trade, and support of navigation, as in many other respects, doth in a high degree depend upon the improvement, and encouragement of the fishery.

And forasmuch as of late years, there have divers pernicious disorders and abuses, by the licentiousness of the times, crept in, and yet continue evidently destructive to that trade: For prevention and redress whereof, there is no law hitherto particularly provided in the growing evil, occasioned by driving nets, and other fraudulent practices, &c. Be it therefore, enacted, &c.

There have been several statutes made since, in aid of the fishery, which seem immaterial to mention; not only as they have proved but of little effect, in the surprising wrong course that has been all along pursued, but likewise, as by the union, both nations became one; and as the fishery, which is the present subject, lies principally on the north-east of *Scotland*, so we need only inspect into such regulations as have been made for the encouragement of that branch.

By the 8th article of the Union, all fish for exportation from *Scotland*, must be cured with foreign salt only.

From the Union to the 24th of *June*, 1719, there was about one penny-farthing custom, and six shillings and eight pence excise on every bushel, containing eighty four pounds of foreign salt imported for the curing of fish, and during that period, the drawbacks on fish exported were,

		l. s. d.
White herring, the barrel of 32 gallons	0	10 5
Wet cod fish, and ling, of 24 inches in length, &c. upwards of six score	2	10 0
Ditto, of 18 inches	1	5 9
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	l. s. d.
Dry cod fish and ling, of 24 inches, — the } hundred	1 5 0
Ditto, of 18 inches	0 12 6

But by an act in the 5th year of King *George I.* entitled, 'An act for the recovering the Credit of the *British* fishery in foreign parts, and for better securing the duties on salt.

' It was found by experience, that the allowances given by acts of parliament, relating to the duties on salt, upon the exportation of fish, do much exceed the duty of the salt used in curing the same, which is so far from being an encouragement to a fair trade, that it is rather an inducement to the curers and exporters of fish, to commit several frauds, by curing the said fish in so deficient a manner, that it will but just serve the examination upon shipping it off, and not keep good to foreign markets, to the great discouragement of the *British* fishery, as well as diminution of his Majesty's said duties, therefore, &c.

' Foreign or *British* salt may be used for the future, duty free, except the custom on foreign salt, and the premium on exportation to be,

	l. s. d.
' White herrings the barrel	0 2 8
' Wet cod fish or ling of 14 inches, or upwards, per hundred.	0 5 0
' Ditto, if pack'd in barrels of 32 gallons	0 2 6
' Dry'd cod or ling, of whatever length, } ' per 112 l.	0 3 0

' There is besides, in favour of *Scotland*, for the encouragement of their manufactures and fisheries 2000 *l.* a year on the equivalent, paid clear of charges, and it is said about as much more; by the surplus of the malt duty, above 20,000 *l.* given by the statute 13 *George I.* chap. 30. But how this equivalent, or any part of it, will, or ought to operate, if the general scheme takes place, is a point I do not at present chuse to meddle with. Thus we have seen the state of the fishery deduced down to the present time, and I hope so clearly, that it will

will readily occur to every man, that the committee were not acting blindfold, when they entered last sessions upon this laudable design, as some people seem'd invidiously to hint. They had besides laid before them a variety of materials, some whereof, and the plan or groundwork of the whole will be found hereafter inserted, for the satisfaction of the peruser. But I must first observe, that if the fishery, on our part, is in a bad state, the *Dutch* are very much declined from that figure they appear to have formerly made; the reason of which I am not thoroughly clear in, but am well informed it is not owing to the want of markets for their fish; for they are now, and have been for some years past, very high; and therefore it is reasonable to believe, that the opening is very fair and promising in our favour, and I think cannot fail of success, if a right encouragement be given; and it is conducted with œconomy and skill, equal to the importance of the undertaking, which, from what has hitherto appeared, will, very probably, be the case; if not, this seems to be our last effort, and we must give it up for ever.

It was necessary for the committee first to know in what condition the *Dutch* were, without which a perfect judgment could not be made, what stock to raise, or what encouragement to ask; in consequence whereof we find the hereunder state of the *Dutch* fishery exhibited; and as we are sensible by what canal it came; and see its consonancy and agreement with other accounts, there is no reason to doubt its authenticity.

A state of the Dutch Herring Fishery, and their manner of conducting it, 1748.

The vessels that go upon this fishery, are buches, or buffes, of the burthen of 70 to 100 tons.

A vessel of 100 tons, with all her apparatus of rigging, spare stores, nets, fishing-tackle, masting, anchors and provisions, including the charge of building and boats, buoys and cables, cost the first outset about 1200 *l.*

The continued future outsets for 14 years after will be, on an average, about 300 *l.* a year, including provisions, salt, and refitting.

A vessel of 100 tons, takes in 50 tons of salt, the value whereof is about 70 l. and carries 14 men, at 8 l. a voyage each, on an average, including the skippers wages.

The salt used in this fishery is from *Rochel* and the isle of *Rorée* in *France*, and from *St. Ubes* in *Portugal*.

That from *France* is to cure fish for present spending, as those caught in the *Midsummer* fishery.

That from *Portugal* is used for the keeping fish, caught in the *Bartholomew-tide* fishery.

Of the last are two sorts of salt, the one large, the other a small grain, and used for the curing for different markets.

The *June* fishery begins on *Midsummer-day*, N. S. the herrings are then taken upon the coast of *Scotland*, the fishery never continues above seven weeks, and generally not above three weeks, and the vessels then go on the island cod fishery.

At *Bartholomew-tide* is the deep water herring fishery, and produces the keeping fish; these are cured with *St. Ubes* salt; those for the *French* market, with the smaller; for the *German* market, with the larger grain'd salt; the large fish are for the *French* and *German*, the smaller for the *Baltick* markets.

The method for curing, &c. is as follows, so soon as the fish are caught, the guts are drawn out by the thumb and finger at the gills; a layer of salt is strewed at the bottom of the cask, and then a layer of herrings in their blood, and so on, *strata super strata*, salt and herrings till the cask is full.

When the vessel is laden she returns to *Holland*, and there unloads her cargo. When all the fish are thrown out of the casks, they are first separated and sorted for different markets, then salted afresh, and repacked in new casks, and each cask is at the same time stamped with the inspector general's mark, which it is felony to counterfeit, or to send any to foreign markets, without such genuine stamp.

The barrels on the repackage contain usually about 1000 herrings, and twelve of such barrels make a last, or two tons.

The *Midsummer* market is, at an average, at 15 l. a last.

The

The *Bartholomew-tide* is about 25 l. a last, on the same average.

This calculation answers nearly, *communibus annis*, the taking of a greater or lesser quantity.

The chief markets for *Germany*, are *Hamburg*, *Bremen* and *Emden*, by the *Elb*, *Weser*, and *Ems*.

The chief market for *Poland*, is *Dantzick*, and all other ports in the *Baltick* are good markets.

The principal *French* markets are *Dieppe*, *Roan*, *Bordeaux* and *Rochel*.

The *Dutch* employ in this fishery above 1000 vessels, from 70 to 100 tons, viz.

From <i>Vlarding</i> , <i>Maesluys</i> , and <i>Rotterdam</i> , about	500
<i>Horne</i> , and <i>Enchuyfen</i>	250
<i>Amsterdam</i>	60
<i>Zurickzee</i>	50
From various other ports	140
	<hr/>
	1000
	<hr/>

One thousand buffes from 70 to 100 tons, which, at 85 tons each on an average, take 42,500 lasts of herrings on each fishery, in the whole 85,000, which, at 20 l. a last, on an average, is } 1,700,000 J.

The expence of 1000 buffes on the average of 85 tons, including the first outset, is annually at the rate of 500 l. each bufs } 500,000
 The charge of store-houses, commission, insurance, brokerage, relating, repacking, shore-wages, deficiencies by incomplete cargoes, and other contingencies. } 350,000
 } 850,000

Annual clear profit

 £. 850,000

N. B.

N. B. In the above calculation the annual expence of all the fisheries is included, but no allowance made for the profits of the cod fish, taken between the herring fisheries, which may probably produce 150,000 *l.* more, and the whole together one million sterling, annually, which concurs with the *Dutch* computation. There being 14 people employed in each buss, is in the whole, 14,000 mariners; there is besides an increase of trade and shipping, and consequently a farther employment for some thousands more of seamen in the exportation of fish, and the importation of salt; and there cannot be less than one hundred thousand people of all ages, and both sexes employed on shore in the various occupations relative thereto.

I must observe here, that the committee were not as yet empowered to sit on this branch of the fishery. They were at the time the above, [and several other pieces of intelligence were procured, sitting on the *Westminster* fish-market, and on the whale-fishery; so that these were only read to them by one of the members, by way of intimation, that the inspecting into the state of the herring and cod fishery, was highly worthy of their serious consideration; and upon hearing of the above read, the gentlemen present seemed to be unanimously of opinion, that a point of so much importance ought not to be neglected, and advised the presenting of a petition to the House of Commons, before whose committee the other branches of the fishery lay. In consequence whereof, of his Majesty's speech at the opening of the sessions, and of some discourses that had passed among the members of the house, concerning the necessity of finding out ways and means for the improvement of our commerce, the following petition was drawn up, and, after being signed by sixty capital merchants, traders of the city of *London*, was, on the eleventh day of *May*, 1749, presented to the House of Commons.

To

To the Honourable the Commons of Great Britain in Parliament assembled,

The humble Petition of the merchants, traders of the city of *London*, whose names are hereunto subscribed, on behalf of themselves, and others, the merchants and traders of Great-Britain.

Most humbly sheweth,

THAT your petitioners duly reflecting on his Majesty's generous sentiments in favour of commerce, evidenced by his late most gracious declaration from the throne; and considering it as an incumbent duty on his loyal subjects, to co-operate with his Majesty's happy disposition for promoting the common welfare, humbly conceive, on a mature and deliberate enquiry into the nature of the *British* herring, and island cod fisheries, that the same, under proper encouragement, may be carried on with eminent advantage to the trade of these kingdoms; and if established on right principles, conducted with skill and integrity, and powerfully supported, is capable of answering every beneficial purpose that can be proposed by any new scheme of commerce. The civilizing his Majesty's highland subjects, the increasing the vent of our staple manufactures, the multiplying of seamen, the employing a vast number of industrious and otherwise helpless poor, lessening the parochial incumbrances, easing the public taxes, and improving the national wealth.

Your petitioners therefore most humbly pray, that this honourable house will give such encouragement for carrying into execution this invaluable branch of commerce, in such form and manner as to this honourable house shall seem meet, and your petitioners shall ever pray.

The house was pleased thereupon to order the petition to be referred to the committee, who immediately proceeded to take the same into consideration, which they pursued with surprising alacrity.

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In the interim was thrown out a printed scheme, proposing a capital of two millions to be subscribed for the carrying on this branch of the fishery, five hundred thousand pound thereof to be employed as soon as possible, the residue subject to future calls, if the nature of the trade required it. The first call to be of 15 per Cent. or 300,000 *l.* and then if 100,000 *l.* part thereof was employed in trade within fourteen months, the government to allow 4 per Cent. upon the whole 300,000 *l.* and if 300,000 *l.* was employed in trade, and 25 per Cent. or 500,000 *l.* paid into the Bank, then 4 per Cent. to be allowed on the whole 500,000 *l.*

This appeared a fair proposal, was asserted to come from the ministry, and very acceptable to the undertakers: It was however reduced to 500,000 *l.* the whole capital. When the committee were thus authorized, several persons of undoubted veracity, appeared voluntarily to inform them of the nature of the fishery, of whose evidence I shall here present the reader with a concise account.

1. It was asserted, that this was a proper time to recover the fishery; for that during the war the *Dutch* had employed their shipping principally in being the common carriers of *Europe*, had used in the freight service numbers of their fishing vessels, and consequently had neglected the herring fishery.

2. That some *English* gentlemen had engaged in a partnership to set up a herring fishery on the coast of *Scotland*, but that the *Dutch* had destroyed their nets, to the value of 20,000 *l.* which entirely ruined the affair.

3. The former evidence was confirmed, as to the destroying of our fishermen's nets by the *Dutch*. That the fishery could not be carried on by single vessels, nor without a proper inspection, but that great advantages would arise from this branch of trade, by employing the poor of the kingdom of all ages, and both sexes.

4. That the benefit of the herring fishery was extremely well known, and wanted only proper encouragement to engage people in it.

5. That herrings are about 40 *s.* a barrel at *Dantzick*, and that they used to be about 20 *s.* owing to a decrease

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of the *Dutch*, and total failure of the *Scotch* herring fishery.

That there has been exported in one year from the firths of *Forth* and *Murray*, sixty thousand barrels, besides a considerable quantity from the west coast; and in 1731 there were 4 or 500 busses off *Shetland*.

That in the *Baltic*, the *Scotch* herring fell from 2 *s.* 6 *d.* to 4 *s.* a barrel less than the *Dutch*, for want of the same regulations and curing. That *Shetland* is the first station for fishing, and that cod are taken before the herring fishery begins, and between the summer and autumn fisheries.

6. This evidence is the same as produced a regular state of the *Dutch* fishery, as above.

It was his opinion, that each buss required fourteen men; that it would besides considerably increase our trade and shipping; and, if carried on with spirit, employ at least 100,000 people.

That the *English*, on a right outset, can carry on the fisheries cheaper than the *Dutch*, and, if properly inspected, produce as good fish, as well cured, and be at the *Hamburg* and *Baltic* markets much sooner than they, which may be clearly demonstrated.

That large bounties have been given by acts of parliament in different reigns, for encouraging this fishery, but such bounties being subject to great frauds and other inconveniencies, especially in the well curing of the fish, the fishery has rather been ruined than aided thereby.

7. The reason of the falling off of the *Dutch* fishery from what it was formerly, is by a former evidence alledged to be the decline of the *French* markets, where cod is principally received, instead of the great quantity of herrings formerly taken. This the evidence might have added is owing to the *French* having a great fishery of their own at *Newfoundland*, *Cape Breton*, &c. whereby they not only serve themselves, but likewise supply foreign markets; which plainly reconciles the different calculations of the antient and modern state of the *Dutch* fishery.

The *Norway* fishery is likewise said to be considerably increased, and the *Dutch* home consumption decreased; besides that, the *Dutch* attend more to their whale fishery

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than formerly; which is a point that merits our warmest reflections.

To balance the loss of the *French* markets, great quantities might be exported to the *Mediterranean*, *Canary*, and western isles, and to the *West-Indies*, and would sell at good prices, if the trade was regularly pursued; and that only can revive it at all foreign markets: For where the supply is only accidental, other commodities that come in better order, will be received in their stead.

This is confirmed by another evidence, and it seems clear upon the whole, that by the decline of the *Dutch*, a very fair opening is given us to engage in this trade; and that if we cure our fish under proper inspection, and supply the markets regularly, as many may be sold, and at good prices, as we shall employ vessels to catch. Upon these and various other considerations, a plan was formed and exhibited to the committee, of which the following is a faithful abstract.

That the stock shall be two millions, as is before related.

That there shall be a governor, president and assistants, and the subscribers incorporated under the title of the *Free British Fishery*.

That any city or town may subscribe under the title of the chamber of the town or city, to have the same parliamentary encouragement as the other subscribers, be subject to the same regulations, manage their own money as they think proper; and each chamber be liable to the profit and loss upon their own stock.

That the assistants have power to make a call of 15, 5, and 5 *per Cent.* on the whole capital; but no further calls to be made, unless approved by three fourths of the proprietors present.

That 4 *per Cent.* on 500,000 *l.* certain, be allowed for seven years; the 500,000 *l.* to be paid into the bank, and employed as soon as convenient, under such rules and ordinances as the parliament shall direct; and the assistants shall put the same into execution, so as to preserve the credit of the fishery at all foreign markets.

That four men out of every buss employed, be furnished to the government, when upon any emergency they shall be required from the court of assistants. The govern-

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government to allow 1 *per Cent.* on the money paid into the bank, for one year, upon their being furnished with 2000 men, and allowing a proper protection for the rest.

This is said to have been proposed on the behalf of the merchants of *London*; but who those merchants were, or by whom this was introduced, is neither very clear, nor very material. As to the merchants thoughts of this matter, they will be seen presently; as also that the gentlemen who formed this, in some measure altered their opinions.

But I must previously observe, that the evidences in general agreed, that a proper inspection is necessary to keep up the goodness of the standard of the herrings. This is not to be doubted, for our ancestors, as I have shewn, thought the same four hundred years ago, and from them the *Dutch* took it. But none of the evidence have given themselves the trouble to find out the true reason how we came to entirely lose this trade, which therefore I intend to shew on the face of the subsequent plan.

Upon the credit of the above materials formed into a report, the house came to the following resolution.

Martis 30 Die Maii, 1749.

Resolved, That the carrying on the *British* herring and cod fisheries, will be of eminent advantage to the trade and navigation of these kingdoms, is highly worthy the consideration of parliament, and deserves proper encouragement.

A bill was brought into the house, framed by a gentleman of the law, and went so far as to be committed. The time allowed to do it in was so very short, that I rather admire it was so well done, than that it has been thought extremely deficient, and consequently not in a proper state to pass that session; and that the reader may the better judge whether it was a bill fully adapted to this great undertaking, it is here given him. I am obliged

to transcribe the introduction, because something hereafter will depend upon it.

Whereas the carrying on and improvement of the British white herring, and the cod fisheries are of great importance to these kingdoms, as they may be of eminent advantage to the trade and navigation thereof, and may be a means of employing and providing for great numbers of industrious poor, provided the same fisheries be carried on by a large joint-stock, under proper regulations, and reasonable encouragement be given thereto.

THEREFORE, for the encouragement of such persons as are willing to carry on the said fisheries, and for the better regulation of the said trade, and for preventing frauds and impositions in the management thereof, be it enacted, &c.

That it shall and may be lawful for his Majesty, &c. by Letters Patent † under the great seal of Great Britain, to incorporate A, B, C, &c. and all and every person and persons, bodies politic and corporate, who in their own right, or as executors, administrators, successors or assigns, derived, or to be derived from, by or under the original proprietors, at any time or times hereafter, shall have, or be entituled, to any part, share, or interest of or in the capital sum of herein after mentioned, so long as they respectively shall have any such part, share, or interest therein, to be one body politic or corporate, in deed or in name; and by the name of the Society of the free British Fishery; and by that name to have a perpetual succession, &c. and to continue in their respective offices for the space of from the date of the said Letters Patent.

And further, that it shall be lawful for his Majesty, his heirs, &c. to empower the said society to make by-laws, for their better government, and regulation of

* This may be of eminent advantage, and may be a means of employing, &c. is not pursuing the sense of the petition, nor of any man concerned in it.

† However these are grounded upon former proceedings of a similar nature, the merchants want simply the act of the legislature, and not any letters patent.

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their trade, and for the curing, sorting, &c. of the fish, and for the government of the servants, &c. so as the same be approved by within the space of after the same shall be so made.

That it shall be lawful for the said society to direct what seals or marks they shall think proper to affix to the barrels of fish; and if any person shall counterfeit the same, every such person shall

The next article is so inconformable to the notion of our laws, that I pass it over.

And further, that it shall be lawful for his Majesty to empower the said society to raise, by voluntary subscription, the sum of and to direct how the property of the persons subscribing, may be ascertained, transferred, or alienated.

That his Majesty may empower the said society to make calls, and direct the payment of any part of the said sums of on such part thereof as shall be for that purpose named. Provided that all money so subscribed shall be paid into the bank.

That for an encouragement to such persons as shall become subscribers to the said joint-stock, for carrying on the said fisheries, that

Provided that the said society shall employ the sum of at least, in the said fisheries, within the space of months after the date * of such subscription, and for manifestation, the accounts to be laid before the parliament.

That his Majesty may empower the said society to agree with any persons, subjects of Great Britain, under the name of the chamber, &c. who shall subscribe the sum of or upwards, to the said joint stock, to carry on the said fishery on their own account of profit and loss, under such regu-

* By date here is supposed to be meant, the time of completing and closing the subscription.

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lations as the Letters Patent shall direct; and that such chambers shall have credit with the said society, for the money actually paid in, subject to such deductions, for the expence of the said undertaking, as shall be regulated in such agreement.

Provided that such chambers which shall trade on their own account, shall not have any profit arising from the said society, except the *interest** of the sum subscribed and paid, which interest shall be paid them after the rate of

That from and after the said incorporation, the commissioners of the admiralty may demand any number of men, not exceeding men, for every bus employed by the said society. For which men the society † shall not be entitled to receive more than the sum of for every men, and so in proportion for a greater number.

This act not to exclude any of his Majesty's subjects, not members of this society. And to be a public act.

While the house was canvassing the articles of this bill, and some gentlemen, for reasons we are very well acquainted with, made a point of its not passing, the curiosity of some of the committee naturally led them to enquire what the *French* thought, and how they reason'd upon this subject; whereupon, besides letters and other intelligence, a very scarce book was produced, intitled *DICTIONNAIRE COMMERCIAL FRANCOIS*, from whence the following remarks are in part extracted.

The *Dutch* were the first on the herring fishery, and that first found the course and passage of the fish. They began it some time in the year 1163, as they say.

The manner of salting and packing the herrings in casks, is said to have been discovered in the year 1416, by *William Bukelez*, native of *Bier-Uliet*, whose useful in-

* By the *interest* of the sums subscribed, is meant, I presume, their share of the public bounty, in proportion thereto, and therefore should be expressly stated; otherwise there is some meaning in it that don't chuse to appear.

† This negative way of expression produces no affirmative; so the question may be hereafter, not whether the society is to have no more than so much, but whether they are to have any thing at all for their men?

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vention was of so high esteem with posterity, that when the Emperor *Charles V.* arrived in the Low Countries, with his sister, the Queen of *Hungary*, they visited this man's tomb.

The *Dutch* buffes, as aware of being interrupted in their fishery, have usually on board, some small cannon, swivel guns, muskets, long and short pikes, with powder and ball, &c.

It is not permitted for any herring buffes to go out of the ports of *Holland*, without being escorted by a convoy, or that there be so many together as carry eighteen or twenty small cannon, or swivel guns, then they may go as a fleet in company, and may take under their convoy any unarmed vessel.

Any verbal agreement, or convention that is made for their conservation, is of the same force and validity as if reduced into writing; and it is to be observed, that every armed vessel must be provided with ammunition for sixteen fires.

When the weather is fine, and that any buss will fish, in such case the master must settle his lower yards upon the deck along-ship, furl his main-top-sail, and leave the mizen top-sail out, in order to keep the vessel a-breast to the wind. And such buffes as do not fish, must be under sail, and not intermingle with those which are fishing.

The *French* imitate these regulations of the *Dutch* admiralty, and have augmented them, by the addition of many others. By an ordinance of the marine, made in *August* 1681, concerning the nets which the fishermen are to make use of, and for the order that is to be observed between the masters of the barks and boats on this fishery, conformable to eight articles of the fifth book of that ordinance.

1. The meshes of the nets which they use for the herring fishery, are to be one inch square, and the fishermen cannot employ any other, nor make use of those nets in any other fishery.

2. When they throw their nets into the sea to fish, they are obliged to cast them at least one hundred fathom from any other vessel. And in the night to shew two fires,

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fires; the one in the head, the other in the stern of the vessel.

3. When the nets are cast in the night, the vessel must shew her fire abaft only at the time of casting, and drive with her mizen, or mizen-top-sail out the same side to the wind as the other vessels do.

4. The master of the bark who shall cast anchor in the night, must retire so far from the place of fishing, that no damage may come to the other vessels that are driving.

5. When any vessel is obliged by accident to cease fishing, or come to an anchor in the night, he must shew his fire three different times; the first when he begins to hale his net in, when he has haled it half in, and the third when quite in; and then is to throw his fire into the sea.

6. If the nets are impeded or entangled, they are not to throw their third fire into the sea, but must shew a fourth, and to keep two burning till the nets are disengaged.

7. It is forbid, under corporal punishment, for fishermen to make any fires, without necessity; nor otherwise, but at the time and in the manner abovesaid.

8. When the major part of the fleet ceases to fish, and come to an anchor, the others are obliged to do the same.

A General Account of the FISHERY.

There are so many kinds of herrings, and had from such a variety of places, that it would be difficult to give a regular account of the trade, nor positively the manner of salting and curing of them; every nation having its particular mode; but the following is the best account that could be procured.

The *Dutch* mark'd herrings are best esteemed, and in general herrings must be good conditioned; the fishing of the same night salted with clean chrystal salt, fat, fleshy, firm, white, equal in bigness, well pack'd and placed in the barrels, and the cask tight, well hooped, and sufficiently fill'd with brine, which being wanted, they turn yellow, gives them a bad quality, and prodigiouly lessens both the reputation and price.

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There are three kind of mark'd herring among the *Dutch*, each less than the other, and of prices proportionate; the last sort are called trash, and the different kinds mark'd accordingly.

The next best to the *Dutch*, are the *Irish* herring, and those of *Galloway* larger than from any other port in that kingdom; and are very well tasted when not cured with allum salt; but they are neither so carefully sorted, nor so well drawn and cleans'd as the *Dutch* herring.

The *Scotch* send some herring to *France*, but they are not of a good quality, nor well pack'd, or placed in the barrels; besides they are unequal, salted with foul salt, and more slovenly drawn than the *Irish*; but are, in nature, as good as the best *Dutch* mark'd herrings, so want only the *Hollanders* care and inspection.

The *English* herrings that come into *France*, are the worst of all; they are very dry, and cured with weak salt, but are pretty well pack'd, and the barrels less than from other places.

In *France* they fish for and cure herrings in several places. They are of different degrees of goodness, according to the part of the coast they are taken on. *Diep*, *Havré de Grace*, and *Houfleur*, furnish very good herrings. Those of *Diep* are the best, like the middle *Dutch* mark'd fish, but dryer. Those caught on the coast of *Picardy* are not so good. They never fish on the *French* coast for herring, but in autumn.

The manner of curing HERRINGS.

As soon as the herrings are out of the sea (the *Caquier*) the person destin'd to that work, draws them with great care, to leave the roe entire behind. Then they wash them in fresh water; afterwards throw them into a brine, made of sea salt and fresh water, where they remain 12 or 14 hours, then are taken out, well drain'd, and put into the barrel, where they are properly pack'd and salted.

N. B. The reader who intends to intermeddle with the herring fishery, must not depend on this *French* method of curing. I shall therefore, by way of caution, refer him back to the state of the *Dutch* fishery, where he

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will find the method very different, and more to be depended upon.

These various accounts have however produced the following obvious reflections. That the producing of true marketable herrings, depends

- 1st, On the *place* where they are caught.
 - 2d, On the *right* and *expeditious* curing of them.
 - 3d, On the *drawing* and *cleansing* them *skilfully*.
 - 4th, On the *sorting* and *repacking* judiciously.
- And *lastly*, that the *salt* be *clean* and *strong*, the *cask* tight, and *brine* in abundance.

As to the *place*, experience has evinced, that herring are taken in their highest perfection off from *Zetland*, in *Brassey* sound, and sometimes a little farther south. But it is certain, that the farther south they are found, the fish are so much the worse; for they spawn and waste all the way. As to the salt, it will not be amiss to be very particular about it; because the proper sort is not so easily ascertained, as the place of the fishery.

The general notion is, that the *Dutch* mix the *French* and *St. Ubes's* salt with sea-water, then boil it up anew and refine it. It is certain that they fetch great quantities, both from *France* and *St. Ubes's*, but do not refine it for the summer fishery. Though it's probable, that when they repack their autumn fish, it is done with refined salt. At the same time it is mysterious to me, why they mix the salt water with the foreign salt; for unless the price of firing be high, a finer salt, and much cheaper may be made of sea water only; and as that may be done with pit-coal, which they have at less price than we have it at *London* considerably; so sea water will do best alone. However the following remarks may, perhaps, contribute to clear up this matter.

The *Dutch* prepare two kinds of refined salt, the one of a small grain, which they call butter salt, which is for domestic use, and wherewith they carry on a great inland trade. The other sort is a very strong, pure salt, the largest grain of any boil'd salt now made, except some given into the committee for a specimen, and made in
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England, which is full as clean, strong, large grain'd and good, and which is made from pure sea water.

The salt which the *Dutch* is said to refine, is the marine bay salt, which they have chiefly from *France* and *Spain*, and find that they produce the best effect mix'd. With one part of the salt of *Souston*, they mix three parts of *Spanish* salt. The *souston* salt is very dirty, and of a bad green colour, but it is of great strength, and costs not above half the price of *Spanish* salt; so that they esteem a certain proportion of it necessary, but use it very sparingly, as having experienced, that more than a quarter part of it would make the refined salt black, and unfit for sale.

They dissolve this salt in clean sea water, which they fetch in vessels to their works at *Rotterdam* and *Dort*, &c. from below the *Briel* and *Helwoetsluys*. Out of these vessels it is craned into cellars, where it is impregnated with the bay salt, to a certain degree of strength, of which they judge by hydrometers made for that purpose.

As to the further process, and the various ways of making salt, I must beg leave to refer the curious reader to a book lately published, entitled *the art of making of common salt*, &c. by *William Brownrigg*, M. D. F. R. S. who has collected his remarks generally from very good authorities. It is sufficient here to say further on this head, that the success of both herring and cod fisheries, essentially depend on the strength and purity of the salt; the contrary being the true cause of the decay of the fish, or of their yellowness, as has been before observed.

The COD FISHERY, as connected with, or that is proposed to be prosecuted in aid of the herring fishery, and to be pursued both before, and in the intervals of the herring seasons, may be carried on in various parts, both on the north-east, east, north, and north-west of *Scotland*. From the *Dogger-bank*, on the east, to the southermost of the isles on the west. And besides the various banks that lie dispersed about in both seas, there is a rift of sand that first touches the coast of *Futland*; and then ranging round *Zetland*, or *Schetland*, terminates on the west of the *Hebrides*. On all these banks and

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riffs are taken vast quantities of *cod* and *ling* (of the last fish I shall speak hereafter) and they are to the westward of the *Hebrides*, of a much larger size, than on the *Dogger* and other banks on the east side of *Scotland*.

The *Dutch*, who fish in all these places, as well as on the coast of *Iseland*, in the different seasons, use for bait, lampreys, which they purchase in the river *Thames*, and deal for large quantities at *London* and *Mortlack*. This bait the *cod* are very fond of, because when in pieces on the hook, they yet seem to preserve life and motion, and therefore the *cod* take them eagerly. The benefit of pure salt is apparent in the *cod*, as well as in herring. Those the *Dutch* cure are clean and white; those the *English* cure are brown and dirty. So it is in *Newfoundland*, where the *French* fish are much the best coloured, and most agreeably tasted. The *ling* is naturally a whiter, and I think, when well cured, a much better fish than the *cod*, and not so easily spoiled with bad salt. If the accounts given us of these several fisheries in former times may be depended upon, they were very different from what they are at present; and both herring and *cod* swarm by our coasts in greater abundance; more especially the *cod*. The reason of this I am not prepared sufficiently to enter into, but am apprehensive, that the more which is caught of them in *America*, the fewer there are on our coast, and so experience seems to have evinced. Nor is it at all difficult to conceive how they pass the *Atlantic*; nor in what short space of time, as they are well known to swim much faster than a ship can sail, and require no rest but what their own element affords them. The *cod* is infinitely less expensive than the herring fishery, in the manner they are taken and cured for the barrel only, as it requires no nets, nor the same labour in the curing; tho' perhaps if there was a little more pains taken with them, it would amply pay in the consumption and sale, as *cod* finely wet cured, are much better eating than *bacalao*, so are wet cured *ling*, than *stock-fish*. The markets for the wet cured *cod* are not so confined to season as the herrings; nor are the times of taking them so critical, as they are found upon the respective banks all the summer; and may come to the domestic, or be carried to the foreign markets at any time; however, for those that go to the southward, it is best before the

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Newfoundland trade arrive. But then such vessels as take *cod* for exportation on the west of *Scotland*, never come into the channel.

There is likewise on the coasts of *Scotland*, on the east, and on the west sides, if the staple be settled on the main land, one other important fishery, which is that of salmon. And notwithstanding there is not usually any great profit made of this commodity, after all expences paid; yet if a good salmon fishery be leased to the company, it will produce considerable profit to them, because at certain seasons of the year, their people may not be all fully employed; and therefore such as are not may cure the salmon, either by pickling or drying them, without any significant expence to the company; and by that means make a profit, which otherwise, in the common course of this business, could not be done.

The employment of the people on shore, when they are not curing, casking, and shipping the fish, will be in making cordage, fishing-lines, weaving of nets, and tanning them; in some parts of which labours, children at ten years of age, and the very ancient, the blind and the lame may be of some use. Whether a settlement be made on the islands or on the continent, all kinds of provisions, except bread-corn, will be sufficiently plentiful, and cultivation engage part of the people's leisure time; so that if ever this design happily takes place, I don't see why it may not be made a comfortable support for all the unprovided poor in *Great Britain*; I mean for all such as the parishes are obliged to bring up and maintain, who may here be trained to a great variety of laudable trades, as smiths, carpenters, ropemakers, seamen, fishermen, husbandmen, shoemakers, taylors, &c. and the girls made net-weavers, housewives, sempstresses, &c. In a word, as in a proper situation, there can be but very few necessaries wanted, but what may be raised, manufactured, or cultivated within themselves, so may our parishes be disburthened of their poor, at the same time that the north is guarded against all future invasions; the poor highland people instructed and civilized, and the nation strengthened and enriched.

These are advantages not to be acquired in an equal degree, by settling of distant colonies; though they may be

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be eventually of some service, but not on a parity with the making of ourselves strong at home, and the improving of our navigation, seamen, and wealth, in such a manner as to give dignity and lustre to the *British* crown, and to command reverence and respect from the surrounding nations.

As we conceive this to be the great view of our political conduct; and as it is as apparent as the nature of human judgment is capable of making it, that a fishery set up on just principles, and managed with skill and honesty, is capable of answering all the beneficial purposes hereby proposed; so we may reasonably conclude, that those who have the direction of public affairs, will act so much on the principles of self-reputation, and love to their country, as not only to interest themselves in the promotion and encouragement of so good a work, but will likewise use all their art and industry to give it the utmost dispatch; and that they may have all the aids in my power to give them, I have form'd hereunder the outlines of a plan for carrying this important design into execution.

A PLAN proposed for the recovery of the British Herring and Cod Fisheries.

I. That a sum of money be raised by subscription, not exceeding _____ to be paid into the bank, in such manner, and on such calls, as may be by the legislature directed, and that the same be made a capital fund, wherewith to carry on the *white* herring and *cod* fisheries.

II. That for the conduct and management of the said fund, and for the direction and application of the same, to the reviving and improving of the said fisheries, there be a governor, president, vice-president, and forty-seven assistants.

III. That the government do grant and allow *per Cent.* on all the money actually employed in the said fisheries, and *per Cent.* on what shall be subscribed into the stock, and unemployed.

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IV. That the company be at liberty to purchase lands and tenements, to such an amount in value, and of such extent, as shall be purely convenient and necessary for the carrying on the said fishery with success.

V. That the company have power to make laws for the better government of the community living under them in the nature of a royal peculiar, or exempt jurisdiction, so that the same laws be approved by such persons as his Majesty shall appoint, and be ratified by parliament.

VI. That neither the company, their officers or servants, shall be subject or liable to any assize or inquisition, or to be sued, or answer in any other court than that of the company, in matters simply relative to the said fishery.

VII. That as to all Debts contracted within the said jurisdiction, not exceeding the sum of five pounds, the same shall be adjusted by a court of equity, in the nature of a court of conscience. But as to all debts above the said sum, and in petty larcenies, the same to be tried by juries.

VIII. That for the space of seven years from the companies first entering on the fishing trade, no custom, inward or outward, impost or excise, be paid on salt specially used for curing of fish, or on fish cured for either foreign or domestic markets, nor upon naval stores, or materials for the fishery.

IX. That white herring taken and imported by foreigners, shall pay five shillings *per* barrel of thirty-two gallons, and all cod, ling, and other cured sea fish, wet or dry salted, three-pence each fish.

X. That a staple shall be settled, where the company shall find most convenient, to the northward of the latitude of 57, either to the north-east or north-west of *Scotland*, or on the isles of the same; and at such staple or staples, erect receptacles for all kind of naval stores, other foreign materials for the fishery, and salt; and such stores,
&c.

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£r. to be under two locks, the key of one to be in the custody of a resident officer in the customs or excise, the other in the custody of an officer of the company, who shall severally keep account of the receipts and issues; that thereby no stores may be issued free of duty, but such as are apply'd to the use of the fishery.

XI. That the chief officer which the company shall appoint, to govern the staple or staples, shall be vested by law, with ample powers, by and with the advice and consent of a council allotted him, to prevent all interruptions in the fishery by foreigners, in sight of land, of any nation, and where necessary, to repel force by force. As likewise to punish, on the spot, any misbehaviour of the company's servants, committed on the sea, during the fishery.

XII. That no staple be settled but where there is a very good harbour for building, repairing, and laying up the vessels employed; and where there is convenience for entertaining the companies servants; and of employing them in all the several occupations requisite to the more easy and cheap methods of carrying on and improving the fishery, and where they may be united and disciplined.

XIII. That to prevent frauds in the importation of naval stores, and materials for the fisheries free of duties, no vessels shall be built, or nets made, after the first outset, but where the company shall establish their general staple.

XIV. That any sums not under may be subscribed into this stock; but no person shall be entitled to be governor, president, or vice-president, that subscribes less than one thousand pounds, nor to be an assistant that subscribes less than five hundred pounds.

XV. That an exact and regular method be laid down, founded on the best information that can be procured, for the manner, order, and decorum of the fleet when fishing; for the best way of gutting, cleaning, sorting, packing,

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packing, shipping, and dispatching of the fish to foreign markets; for the measure of the cask, inspection and marking; for the order and good government of the people employed in their respective avocations on shore, for the manner of laying up and preserving the vessels in the harbour, their rigging and sea stores, and for the practice of religious and martial exercises, with what other matters shall appear, on due deliberation, to be for the better settling and regulating of a commercial community, on the most firm and durable principles.

XVI. That as plenty of provisions, and cheapness of labour are, when directed by skill and integrity, the probable means of producing a happy issue to this undertaking, it may not be amiss to consider, in the first purchasing, or leasing of lands, the nature of the soil for cultivation, for feeding of cattle, for producing roots and herbage, for raising of barley, beans and pease, or such other grain, and pulse, as may be necessary to the support of the people on shore, and for the supplying of those on the fisheries with wholesome food and liquors.

XVII. That for the sake of cheapness, to prevent frauds in the duties, and that the salt may be always of equal goodness and purity, it seems requisite, that the same should be made on the spot, under the inspection of his Majesty's custom-house or excise officers.

XVIII. That for the greater encouragement of the said fishing, and as a particular mark of the parliament's approbation of it, and of their desire to promote it, it is proposed; that all such persons as shall subscribe a stock towards the advancing of the said fisheries, and all such as shall be employed for, or in the management thereof; or for pursuing such directions and instructions about it, as shall any way be derived from his Majesty's authority in it, shall, whether natives or foreigners, with their ships, buffes, boats, &c. be expressly declared to be taken into the protection of the government.

XIX. And in order that such protection may be complete, it is further propos'd, that whenever the staple shall be established, that the company be at liberty to for-

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tify the place in such manner, as to guard against any sudden surprize; and that until the same be finished, and the companies servants so well disciplined, as to be in condition to defend it; as likewise at all times, when the greater part of the best men are at sea, that his Majesty will be pleased to allow a sufficient number of regular troops on shore, and such men of war by sea, as may appear competent for protection. Nor will this request appear extraordinary, when all accounts unanimously agree, that one reason of the present melancholy state of the *British* fisheries, is the conduct of the *Dutch*, who, as our good friends and allies, have always treated us on our own coasts, as if we had been public enemies, which the honour of any other nation would hardly have permitted.

XX. And finally, as the whole series of the preceding evidences and opinions have sufficiently evinced, that without good salt, cheapness, industry, public encouragement, and convenience of station, it is impossible to carry a design of this important nature effectually into execution; so must all these matters be thoroughly considered and adjusted, before it will be reasonable to expect, that men of fortune will venture their money. Nor, in my humble opinion, can the great purpose in view be attained, without all the business being done by a collective body in one, or at most in two places, and those to the northward of the latitude of 57; I mean independent of the chief direction, which, all agree, may be best executed at *London*.

I have only to observe on the above plan, that it is purely intended to amend some previous particulars, and to add to others, as conceiving that out of the whole, a complete scheme may be formed, when the legislature shall find it agreeable to pass an act in favour of the fishery.

The next regards the dominion of the sea; in particular as it relates to our exclusive right to these fisheries, and the extracts being made from undoubted authority, there needeth not any farther preface.

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Mare Clausum, seu, de dominio maris, vol. 2.
cap. xxi. pag. 1362. Selden.

UT transeundi, ita & piscandi libertatem a regibus Angliae, seu territorii marini dominis, impetratam comperimus, ejus rei testimonium quidem est luculentum in eo, quod e tabulis parliamentariis superius 1 de vectigalibus quibuscunque in mari piscantibus impositis sub Richardo rege secundo, adducitur. Quin in sacris Scriiniis occurrit, Henricum VI. Gallis aliisque exteris quamplurimis sigillatim indulisse 2 per unum annum integrum tantummodo (interdum per sex menses) &c. ire per mare piscando omni tempore & quoties, &c. Sed & fidei publicae seu salvi conductus nomine indulgebatur hæc libertas. Etiam & navibus piscatoriis modus præscribitur, Ne xxx. dolia excedant. & verum quidem est, adjici velut rationem aliquam seu conditionem veniæ, ut parum cum exteris securitate aliquot alii, qui Anglo suberant, piscando fruerentur. Quod ideo duntaxat in indultu locum habuit, ut si hosce deturbarent illi, molestiasve eis exhiberent, veniæ beneficio exciderent, rationis illius seu conditionis, sub diplomatum initia, verba ad hunc modum se habuere; ut factum piscandi alecum aliorumque piscium, pro utilitate publica, augeatur, continuetur & vigat, necnon ut quibusdam certis piscatoribus obedientiæ nostrae par securitas atque consimilis præstetur, & fiat. Certos piscatores obedientiæ nostrae. Gallos etiam fuisse opinor, qui tunc in ditioe Angli: cum scilicet omnia fere, præter litus Picardicum, in Galliis, paulo antè ab Anglo defecerant; id est, sub extremo Henrici sexti. Quod vero sive hic de pari securitate occurrit, sive alibi interdum etiam de publica fide, sive ex Galli, sive Flandri, sive Aremorici codicillis 3, etiam piscatoribus Angliae præstanda; id fere evenit, cum, deseruentibus inimicitiis, de induciis foedereve fiebat deliberatio. Utrunque interim securitas ejusmodi ex pacto nonnumquam præstabatur sed ab Anglo, tam ut a domino loci, quam ut ab eo qui in amicitiam rediturus erat; ab aliis, hoc tantum nomine, non illo: nisi de portuum &

1 Rot. Parl. 3 Hen. part. i. num. 6. cap. 15.

2 Rot. Francia. 38 Hen. VI. membran. 9 & 14.

3 2 Hen. IV. in sched. vetust. Bibliothecæ Cottonianae, &c.

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litorum usu rem capias: nam ita tam hos dominos quam illum esse nemo diffitetur. Etiam & aevò nostro a summo maris praefecto impetrari solebat venia Gallis, qui soleas Henrici IV. Galliarum regis mensae in mari interfluente caperent; quod asserunt qui tribunali & rebus maritimis apud nos diu praefuere. Etiam & captas esse Gallorum naves, ut injuriarum reas, quae citra hujusmodi veniam piscationem ibi exercebant. In orientali autem, quod agro Eboracensi & vicino praecipue, mari, libertas piscandi Hollandis & Zelandis a castri Scardeburgensis, Eboracensi in litore positi, praefecto, ex veteri instituto solum est impetrari; quod & ante annos complures memorat V. C. Guilielmus Camdenus de oris illis verba faciens; *Operae pretium, inquit ille 1, videatur adnotare uberrimam & quæstuosissimam in subiecto mari halecum (sive leucomaenidarum, aut chalcidum si ita navis) piscaturam Hollandos & Zelandos exercere, cum veniam prius veteri instituto ex hoc castro impetraverint. Veniam enim piscandi semper concesserunt Angli, honore sibi reservato, utilitate vero exteris quasi per desidiam resignata incredibile enim fere est, quantam pecuniae vim ex hac in nostro litore piscatura Hollandi sibi corrogant.* Sic ille. Alter etiam rerum maritimarum peritissimus, qui libellum Anglico idiomate conscriptum, parlamentariis sub Elizabetha regina comitiis de piscaturae commodo exhibuit, Flandros scribit, Hollandos, Zelandos quotannis, inclinante aestate, quadringenta aut quingenta navigia (Busses vocant) emittere ad halecum piscaturam in mari hoc orientali, *WHERE 2 BEFORE THEY FISH, THEY ASK LEAVE OF SCARBOROUGH, id est, ubi antiquam piscaturam exercent, a Scardeburgi praefecto veniam petunt; quae sunt ejus verba edicto item cautum est sub Jacobo Rege nostro 3, nequis exteris in mari Anglicano, aut Hibernico, aut eo quod attinet ad insulas regni Angliae caeteras piscaretur, venia prius a legatis ad hanc rem Londini, constitutis non obtenta et quotannis minime novata. De venia piscandi alias item a regibus Angliae exteris impetrata alia habent alii 4. causa autem quod adeo frequentes non oc-*

1 In Britannia, pag. 586.

2 Hitchcock's New Years Gift, Edit. Londinensi MDLXXX.

3 Edict. 7 Jacobi R. 6 Maii.

4 Gerard, Malinius in lege Mercatoria, cap. 35.

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current sive transeundi sive piscandi in mari Anglicano libertatis concessionum formulae, inde planissime evenit, quia ex foederibus cum vicinis principibus initis toties ejus modi libertas fuerit, uti itidem portuum litorum, itinerum aliarumque rerum, ita utrinque indulta, ut constante foedere, velut ager compascuus tam foederato utenti quam Anglo domino mare deserviret. Sed vero etiam in foederibus hujusmodi limites interdum piscaturae positi sunt; quod imprimis observandum est: limites tum loci, tum temporis. Adeo ut foederato ultra limites hosce piscari ex foedere non liceret; Anglo in mari praecipiente universo dominium retinente. Egregium est sub Henrico nostro IV. exemplum. Pactum interat Gallus & Anglus *, piscaturam utriusque subditos libere exercere posse toto mari, quod hinc portu Scardeburgensi & Southamtoniensi, illinc Flandriae extremo & sequanae fluvii ostio terminetur: tempus item ab autumnino intra Januariam, quae sequerentur, calendas coerceri. Atque ut vi foederis tuto frui possent Galli, literas publicae fidei praefectis maritimis universis dat rex noster. Limites hic plane Gallos ab occidentali, & quod sub Africo positum est, mari excluderent, uti etiam ab orientali, quod in septentrionem ab illis porrigitur; utpote ab Henrico nostro, pro suo, ut domini, arbitrato, ita finito. Neque juris erat ne quidem umbra, qua in praefiniendis his limitibus Gallus domini vicem obtinere videretur; cum nec seclusum mare litus ejus ullibi in septentrione allueret, nec in austro (praeter Normanniam) aut in occidente praecipientem haberet mari regionem. Caetera scilicet aut Britanniae aemolicae dux aut Anglus tenebat, ut supra monitum est. Hinc sane in usu fuit, reges Angliae tutelam piscatoribus etiam exteris edicto interdum, armata interdum classe praestare, ubi scilicet sive ex foedere, sive ex impetrata venia, temperamentis pro Angli arbitrio adjectis, piscatum ibant. Lemma in sacris scriniis est, de tempore Edwardi I. *Pro hominibus Hollandiae, & Zelandiae, & Frisiae, quod piscari possunt prope. JERNEMUTH.* Sequitur codicillus de eorum tutela † regius; *Rex dilecto & fideli suo Joanni de BUTETURTE custodi maritimaе suae de JERNEMUTH, salutem. Quia intelleximus,*

* Rot. Franciae 5 Hen. IV. 29 Septembris.

† Rot. Patent. 23 Edw. I. membr. 5.

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quod multi homines departibus Hollandiae & Zelandiae & etiam Frisiae, qui sunt de amicitia nostra, ad piscandum in mari nostro prope JERNEMUTH, his diebus sunt venturi; vobis mandamus, quod publice proclamari faciatis semel vel bis in qualibet septimana, ne aliqui, sub omni quod nobis foris facere poterunt, eisdem inferre praesumant injuriam, molestiam, damnum, impedimentum aliquod aut gravamen; sed ipsi potius, cum indigerint, consulenti sint & auxiliantis; ita quod absque impedimento piscari & commodum suum facere possint. In cujus rei testimonium has literas nostras fieri fecimus patentes usque ad finem St. Martini proxime futuri duraturas. Teste rege apud WENHAM xxviii die Septembris. Ad annum ejus attinet xxiii. seu Christi MCCXCV. Eodem etiam die in gratiam comitis Hollandiae ejusque subditorum tres naves armatas emittit in oram maris ulteriorem, pro salvatione (ut alio in codicillo loquitur) navium terrae vestrae & nostrae captioni alicum vacantium seu intendentium his diebus, &c. ad excubandum in costera maritimae vestrae. Tutelam piscandi dat: hanc bemestre intra tempus in codicillo utroque claudit. Piscatores etiam tutatur solus tam in ora Germanica (quam costeram maritimae vestrae, ob vicinitatem, in literis ad Hollandiae comitem hic appellat) quam Anglicana. Neque alio uti navigiorum genere piscatoribus licuit, praeter id quod a regibus nostris praescriptum est. Unde interdicta interdum omnimoda piscatio est; quae & admissa interdum, modo adjecto, ut navigia triginta dolis minora tantum piscarentur. Id liquet ex codicillis Edwardi tertii regis de piscandi legibus ad praefectos suos singulos Jernemuthae, Scardeburgi, Whitbeiae & Donwici oppidorum in litore orientali positorum datis. Verba sunt *; Quia dederimus licentiam piscatoribus villae praedictae & aliis, qui ad villam praedictam causa piscandi venire voluerint, quod in mari cum navibus & batellis citra pondus xxx. doliorum piscari & commodum suum facere possint, quibuscunque inhibitionibus seu mandatis nostris in contrarium factis non obstantibus; vobis mandamus, quod piscatores villae praedictae, & alios qui ad villam praedictam causa piscandi venire voluerint, in mari cum navi-

* Rot. Clauf. 11 Edw. III, membr. 35

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bus & batellis citra pondus xxx. doliorum piscari & commodum suum facere absque impedimento permittatis, quibuscunque inhibitionibus seu mandatis nostris, vobis in contrarium factis non obstantibus, ut est dictum. Teste rege apud turrim London x Augusti. Annus erat Edwardi tertii undecimus, seu MCCCXXXIX. Quin si qui piscatorum in hoc mari tutelam, Angli injussu olim exercerent, velut domini jus invadentes, capiendierant & custodiae tradendi, sententiam ob injuriam Anglo illatam expectaturi. Id quod videmus in tabulis publicis Edwardi regis nostri iv Praefecerat nimirum is triumviro cum potestate navali, qui piscatores per mare Norfolciam & Suffolciam alluens tuerentur, quos custodes, conductores & Wastores appellant sacra Scrinia. Ut igitur tam tutelae impensae a piscatoribus solverentur, quam alii quicunque ab hujusmodi tutelae officio arcerentur, quatuor viros constituit, scilicet Joannem HEMINGHAM equitem auratum, Guilielmum HOPRON, Edmundam IVI, & Joannem WANSFLEET armigeros, tam ad custodes, conductores & Wastores illos supervidendos (ita tabulae ipsae * quam ad communicandum cum quibusdam piscatoribus cujuscunque patriae fuerint, qui in partibus, praedictis sub securitate dictorum N. N. piscari voluerint, quod ipsi piscatoris & eorum quilibet ad omnia & omnimoda costas, onera, & expensas eisdem custodibus & conductores, pertinentia tempore piscationis sint contributores, & hujusmodi costas, onera, & expensas juxta ratam portent, & ad costas, onera & expensas illa de hujusmodi piscationibus piscatorum praedictorum, ubicunque inveniri poterunt, levanda & colligenda; necnon ad omnes alios fore custodes, conductores, sive Wastores, alios quam praenominatos, praesumentes vel attentantes, arrestandos & capiendos, & proximae gaolae nostrae committendos, ibi salvo & seure, quousque pro eorundum deliberatione ordinaverimus, custodiendos. Totidem ferme verbis, ad eandem rem, habentur diplomata aliquot Henrici septimi † regis; etiam & Richardi tertii ‡, excepto quod in hujus formula interseratur post vocabula illa & expensas juxta ratam portent, haec clausula hic non con-

* Rot. Pat. 22 Edw. IV. membran. 2.

† Rot. Pat. 3 Hen. VII. part. 2. indorso 15 Augusti & parti i.

‡ Rot. Pat. 2 Ric. III. part. 1. membran. 2.

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timenda, licet iidem piscatores, sive eorum aliquis vel aliqui, literas de salvo conductu a quocunque rege, principe, sive gubernatore cujuscunque regni obtinuerint vel obtinuerit. Ita ex more recepto, & pro regum nostrorum libitu usitato, tutelae impensae a piscatoribus maris hujus, utcunque ab aliis principibus qualescunque securitatis publicae literas antea impetrassent, praestandae erant, neque alii praeter eos, qui ab Anglo constituti, in tutelae hujusmodi consortium admittendi; ne scilicet Angli juri ita forte derogaretur. Quod dominii atque possessionis loci character est manifestus.

The same literally translated, as near, as the idioms of the different languages will permit.

WE find by several acts of parliament above mentioned relating to the customs laid upon those that fished in the sea, that the liberty of traversing as well as fishing was obtained of the kings of England, as lords of the sea. And it appears from the records, that Henry VI. gave leave to the French and many other foreigners severally mentioned for one year only (sometimes for six months) &c. to fish in the sea, and as often as, &c. and that liberty was granted under the name of a safe-conduct and the public faith. A rule is also prescribed the fishing vessels, that they may not exceed xxx tuns. And it is added, as a reason and condition of leave, that some others who adventured from England, might, in fishing, enjoy an equal security with foreigners. Which was therefore particularly specified in the permit, that if they gave any molestation or disturbance to those, they should lose the benefit of leave, the reason or condition of which, the words at the beginning are set forth in this manner; *that the fishing for herrings and other fish, may increase, continue and flourish for public utility, and also that an equal and like security may be warranted and given to certain fishermen under our obedience. Certain fishermen who pay us obedience. These I apprehend were the Picard French, then subjects of the crown of England. The rest of France having*

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having some time before revolted, that is, about the latter end of the reign of Henry the sixth, But whether this relates to equal security, or otherwise to public faith, whether from French patents, or from the people of Flanders, or Aquitain, it was also warranted to the English fishermen; which commonly happened, when, upon a cessation of hostilities, a confederacy was deliberated upon. In the interim, a security of this sort was on both sides warranted by agreement; but from the English as from the lord of the domain, as well as from him who was to be restored in friendship; from others, by this name only: unless you take in the usages of seaport-towns and coasts, and nobody ever denied their being lords on their own coasts. Also leave used to be obtained even in our time of the high admiral, for the French to take in the channel *foals* for Henry IV. the French king's table; which they among us assert, who have long presided in naval affairs, and also that French vessels have been seized as pirates, which without leave have adventured to fish there. In the eastern sea, which lies before and near Yorkshire; the liberty of fishing, of ancient custom, used to be granted to the people of Holland and Zeland by the governor of the castle of Scarborough, lying on the Yorkshire coast; which V. C. William Camden gives an account of, many years before, speaking of those shores; *it is worth while, says he, to remark the plentiful and very gainfull fishery of herrings and other fish the Hollanders and Zelanders have followed, after having first, by ancient custom, obtained leave of this castle. For the English have always given other nations leave to fish, reserving the honour only to themselves, and thro' indolence resigning the profit to foreigners; for it is almost incredible what vast wealth the Hollanders have scraped together from this fishery on our shore. Another, also well versed in maritime affairs, who published in English a pamphlet upon the advantage of a fishery, and which he addressed to the assembly of parliament under queen Elizabeth, writes that the people of Flanders, Holland and Zeland yearly, at the close of summer, send out four or five hundred vessels (called *busses*) to fish for herrings in this eastern sea, where, before they fish, they ask leave of Scarborough, that is, where they use their ancient fishery, they ask*

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leave of the governor of Scarborough; which are his words. It is provided also by an edict under *James* our king, that no foreigner presume to fish in the *English* or *Irish* seas, or in the seas belonging to the *British* islands, without leave first had obtained, and yearly renewed, by the commissioners for that purpose in *London* appointed. Others express in a different manner this leave, to fish, had by foreigners from the kings of *England*. The reason why these prescripts relating to the leave or liberty of passing and fishing in the *English* sea do not so often occur, is, because this liberty was considered as often as leagues were entered into with the neighbouring princes, as in like manner, sea-ports, shores, voyages, and other particulars, so on both sides licences, as that the league subsisting, the sea should serve as a common pasture, both to the ally using, and the *English* who claimed the dominion. But in leagues of this kind the boundaries of the fishery were sometimes ascertained; which should be particularly taken notice of: the limits, both with respect to place and time. So that by the league, it was not lawful for the confederate to fish beyond these bounds: the *English* retaining the dominion over the whole prejacent sea. There is a remarkable instance of this under our *Henry IV.* The *French* and *English* had agreed, that the subjects on both sides should freely fish, all the sea, which on this side should be terminated by the port of *Scarborough* and *Southampton*; on that by the extremity of *Flanders*, and the mouth of the river *Sein*: the time also to be limited from autumn to the calends of *January* following. But that the *French* might safely enjoy the advantage of the league, our king gives letters of public faith to all the maritime governors. The limits here mentioned plainly excluded the *French* from the more western sea, and that which lies under the *African* coasts, as well as from the east, which is extended by them to the north; inasmuch as it was thus terminated by the will of our *Henry*, as lord of the domain. Nor was there ever any right, or the appearance of it, by which, in determining these limits, the *French* king might seem to obtain the power of lord, since the enclosed sea no where to the north could wash his shore, nor to the south (except

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Normandy) or in the west, had any country bordering upon the sea. The rest was either held by the duke of *Aquitain*, or the *English*, as above mentioned. Hence it was customary, for the kings of *England*, sometimes by an edict, sometimes with a fleet of war to protect foreign fishermen, when either by treaty or leave obtained, restraints being laid at the will of the *English*, they went out to fish. There is a title in the public records in the time of *Edward I.* For the people of *Holland*, *Zeland* and *Friesland*, to fish near *YARMOUTH*, a Royal codicil follows concerning their protection; *The king, to his trusty and well beloved JOHN DE BUTETURTE, the governour of his sea-port town of YARMOUTH, Health. Forasmuch as we understand, that much people from the parts of Holland, Zeland, and also Friesland, who are in friendship with us, are in these days coming to fish in our sea near YARMOUTH; we command you, that you cause proclamation to be made once or twice in every week, under peril of our displeasure, that no one presume to do them, injury, disturbance, damage, let, or hindrance; but rather, in necessity, advising, assisting them; so that they may fish without any hinderance, and make advantage therefrom. In testimony of which we command these our letters to continue in force to the time of St. Martin next to come. Signed by the king at WENHAM, the 28th day of September; the 23d year of his reign, or in the year of Christ MCCXCV. The same day also, in favour of the count of Holland and his subjects, he sent to the farthest limits of the sea three men of war, for the preservation (as it is expressed in another codicil) of the ships of your country, and ours who do or may adventure in the herring fishery, &c. to lie upon, and guard the coasts of your sea-port. He gives a safe conduct for fishing, which is limited to two months in each patent. He alone protects also the fishermen on the coasts of *Germany*, as well as on the *English* (which, for their nearness, he calls in his letters to the count of *Holland*, the coast of your sea-port. Nor was it lawful for fishermen to use any other sort of vessels, besides what was prescribed by our kings. Whence sometimes all manner of fishing was forbid, and at other times suffered, upon condition, that vessels of thirty tons only should fish. This appears from the patents of*

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king Edward the third, concerning the law of fishing, directed to the governors of YARMOUTH, Scarborough, Whitby, and Dunwich, towns situated on the eastern shore. The words are; Forasmuch as we give leave to the fishermen of the aforesaid town, and others, who are willing to come for the sake of fishing to the aforesaid town, that they may fish in the sea with vessels of thirty tons burthen only, and make advantage therefrom, all inhibitions or commands from us to the contrary notwithstanding; we command, that you permit, without let or hinderance, the fishermen of the aforesaid town, and others who are willing to come to the aforesaid town for the sake of fishing, to fish in the sea with vessels of xxx. tons burthen only, and to make advantage therefrom, all inhibitions and commands from us to contrary notwithstanding, as aforesaid. Signed by the king at the tower of London, August the 10th. It was the eleventh year of Edward the third, or MCCCXXXIX. Moreover, if any fisherman in this sea should at any time give protection, without leave, they were seized, as invading the right of dominion, and delivered into custody, in order to expect sentence for injury done to the English. This we see in the public transactions of our king Edward the 4th, for he appointed three officers with naval power, who should defend the fishermen upon the Norfolk and Suffolk coasts, whom the public records call keepers, conductors, and wafors, that therefore, as well the protections might be paid for by the fishermen, as that others might be obliged to submit to this office of protection. He constituted four men, JOHN HEMINGHAM, bart. WILLIAM HOPTON, Edmund YVE, and John WANSFLEET, esq; his commissioners, as well to superintend those keepers, conductors, and Wafors (for so say the transactions themselves) as to correspond with fishermen of all countries, who, in the aforesaid parts, under the security of the said N. N. were willing to fish, that these fishermen, and all of them, should be contributors to all, and all manner of costs, burthens, and expences belonging to those keepers and conductors, during the time of fishing, and defraying, according to a certain rate these costs, burthens, and expences, and to relieve and collect the said costs, burthens, and expences from the fisheries of the aforesaid fishermen, wherever they can
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be found; also to have power over all future keepers, conductors, and Wafors, and them, and others offending, to seize and arrest, and commit to our next goal, there safely and securely to be kept, till our pleasure be known. To this purpose, and almost in as many words, there are some writs of king Henry the seventh; and also of Richard the third, except that in this pre-script is inserted after the words, and defray according to a certain rate these costs; this little clause, which is by no means to be overlooked, tho' the same fishermen have or should have obtained letters of safe conduct from any king, prince, or governor whatever. Thus after an accustomed manner, and according to the received authority and will of our kings; the protections were paid for by the fishermen of this sea, however they had before obtained passports of other princes, nor were any besides those constituted by the English, to be admitted as partakers of this protection; lest they should by any means seem to derogate from the English rights, which is a manifest proof of DOMINION and local POSSESSION.

F I N I S.



