

The Provincial Statutes of Lower-Canada, Being the second session of the thirteenth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1829.

9 George IV – Chapter 52

An Act towards encouraging the Fisheries. (14th March, 1829.)

Whereas for the purpose of encouraging the Fisheries for Cod, Whale and all other Fish which are carried on in the Gulph of Saint Lawrence and elsewhere from the several Ports in this Province, it is expedient to enact that the Merchant, Trader, or other person being dernier equippeur, and providing the necessary outfits and supplies for the voyage, or for the season, or making advances in money towards providing such necessary outfits and supplies, shall have a privilege and be paid out of the returns of such voyage, or out of the proceeds thereof, in preference to all other creditors, (seamen and servants employed in such voyage alone excepted) of the person or persons having by means of such outfits and supplies, or advances therefor, undertaken or performed such voyage in prosecution of the fishery of cod and whale, or of any other fish; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Governmerit, of the Province of Quebec in North America,' and for making further provision for the Government of the said Province;" And it is hereby enacted by the authority of the same, that the Merchant Trader, or other person whosoever becoming dernier equippeur, and as such providing the outfits and supplies necessary to enable the person or persons undertaking a voyage in prosecution of the fishery of cod, whale or other fish to the gulf of Saint Lawrence, the coast of Labrador, Straits of Belisle [Strait of Belle Isle], or Banks of Newfoundland, to perform such voyage; or making advances in money for the purpose of procuring such necessary outfits and supplies, shall have a privilege for the recovery thereof, and shall recover and be paid the amount of such money advanced, or value of such outfits and supplies in preference to all others, (the seamen or servants employed in such voyage alone excepted,) from and out of the return of such voyages for and towards which such monies shall have been advanced, or such outfits and supplies shall have been provided, or furnished, as aforesaid; or from the proceeds of the said returns in case of the seizure and sale thereof by any other creditor.

II. Provided always and be it further enacted by the authority aforesaid, that a Schedule of the necessary outfits and supplies, so provided, or furnished, specifying in detail, the value, or prices thereof, as agreed upon, as well as the sum total due therefor, and to whom provided, and the name of the vessel in which the intended voyage is to be performed, and of the master thereof, with an attestation upon oath thereunto subjoined, or attached, by the person having provided such outfits and supplies, or having made the advances in money wherewith the same have been procured, or by his agent, that the same have been,

bona fide furnished, and at the prices therein specified, to the persons therein mentioned, to enable him to perform or cause to be performed the intended fishing voyage, shall, previous to the commencement of the intended fishing voyage, and at the time of the clearing out of such vessel for the voyage, be produced and deposited in the hands of the Collector, or in his absence, of the principal officer, of His Majesty's Customs, at the place, whence the intended voyage is to be performed, (which oath shall be administered by such Collector, or other principal officer aforesaid,) such Schedule being also at the same time in the presence of the said Collector or other principal officer, acknowledged, certified and signed by the person obliging himself for the amount therein specified, as a true and faithful Schedule or Statement of the outfits and supplies furnished to the person so obliging himself therefor, and that the same are necessary for the intended voyage. And in case of contestation in any of His Majesty's Courts of Law with respect to the privilege and preference hereby secured to the Merchant, Trader, or other person having as dernier equippeur provided, or by means of advances as aforesaid in money, furnished the necessary outfits and supplies for any such fishing voyage, for the recovery and payment of such advances, outfits and supplies from the returns or proceeds of such voyage, the production in Court of such Schedule and attestation, shall if required by any party in the cause, be essential to the maintenance of the privilege and preference contended for, and the said Schedule with the appendages, shall by the Collector or principal Officer aforesaid, for the time being, of His Majesty's Customs, when thereunto required, be for the purposes of Justice, and of this Act returned into and filed in the office of the Prothonotaries of the Court where the action is pending.

III. And be it further enacted by the authority aforesaid, that the attestation on oath by this Act required, and the acknowledgement by the person obliging himself as aforesaid, may be in the form as prescribed for the same respectively in the appendix of this Act, (letters A and B.)

IV. And he it further enacted by the authority aforesaid, that this Act shall be and remain in force until the first day of May, one thousand eight hundred and thirty-two, and no longer.

APPENDIX (A.)

Form of the Attestation on oath required by this Act, viz:—

Lower-Canada,
Quebec (or the name of the port or place.) }
A. B. of Merchant, (trader or) being duly sworn upon his
oath saith, that the annexed Schedule contains a true and faithful statement and account of
outfits and supplies by him, bond fide provided, for and at the instance and request of C. D.
in order to enable him to find, fit and equip a certain vessel (or schooner) called the
now lying in this port, (or in the port of as the case may be)
and of which vessel or schooner E. F. (is or is to be) Master for a fishing voyage, forthwith
intended to be performed to the gulph of Saint Lawrence, (Labrador or Banks, as the case

