

The Provincial Statutes of Lower-Canada, Being the first session of the fourteenth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1831.

1 William IV – Chapter 22

An Act to repeal in part an Act passed in the ninth year of His late Majesty's Reign, chapter forty-two, intituled, "An Act relating to the Fisheries in the County of Gaspé." (31st March, 1831.)

Whereas experience hath shewn that the provisions of the ninth and tenth sections of an Act of the Provincial Parliament of Lower Canada, passed in the ninth year of His late Majesty's Reign, intituled, "An Act relating to the Fisheries in the County of Gaspe," are detrimental to the interests of the inhabitants of the said County, wherefore it is expedient to repeal the same;—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 Government of the Province of Quebec, in North-America,' and to make further provision for the Government of the said Province": And it is hereby enacted by the authority of the same, that the ninth section of the said Act of the Provincial Parliament of Lower Canada, passed in the ninth year of His late Majesty's Reign, intituled, "An Act relating to the Fisheries in the County of Gaspe," which section is in the words following:—"And whereas codfish pickled in hogsheads, butts or casks, and afterwards dried and cured as and for merchantable fish, are not of that quality and description, although they may so appear to the person employed as culler, and in this respect greivous frauds may be and are practised, to the great prejudice of traders resorting to the said County and purchasing codfish for exportation; for the preventing of which abuse, be it therefore further enacted by the authority aforesaid, that no dried codfish which may so have been previously pickled in hogsheads, butts or casks, shall be sold or offered for sale nor exported from the said County, and any and every person herein offending shall for every such offence in disobedience hereunto, incur a penalty not exceeding ten pounds currency," and that the tenth section of the said Act, which section is in the words following:—"And be it further enacted by the authority aforesaid, that in all cases of seizure and sale of any codfish green or dried, appertaining to any fisherman in the said County, the dernier equippeur, planter or trader, having that season, that is to say between the first of April, and the first of December inclusively, furnished the fisherman with the fishing gear, necessary outfits and supplies to enable him to commence and carry on his fishery, shall for the amount or value of such gear, outfits and supplies, so furnished, for and during the same season, have a privilege and be paid from the proceeds of the sale of such codfish, in preference to the creditor seizing and selling the same, and to all others" shall be and the same are hereby repealed.

II. Whereas in the said Act herein before cited, no provision is made for the appointment of Inspectors of Fish in the District of Gaspé, and that the interests of Commerce require the appointment of such Inspectors;—Be it therefore further enacted by the authority aforesaid, that it shall be lawful for the Governor, Lieutenant Governor, or person administering the Government, by an Instrument under his hand and seal to appoint an Inspector or Inspectors of Fish, in and for the said District of Gaspé, to carry into effect, and act in conformity with the provisions of the said Act passed in the ninth year of the Reign of His late Majesty, intituled, “An Act relating to the Fisheries in the County of Gaspé.”

III. And be it further enacted by the authority aforesaid, that every Inspector, before entering on the duties of his office, shall make oath before the Clerk of the Provincial Court for the said District, well and duly to perform the duties of his office of Inspector of Fish, which oath shall by the said Clerk be recorded, and a copy of the entry delivered to such Inspector upon his requiring it and paying for such entry and copy, the sum of two shillings currency, and before proceeding to make any inspection under the authority of this Act, such Inspector shall produce and exhibit such certificate upon being thereunto required.

IV. And be it further enacted by the authority aforesaid, that in the execution of the duties of his office, every such Inspector shall in all things act according to the true intent and meaning of this Act and of the Act herein before cited.

V. And be it further enacted by the authority aforesaid, that every such Inspector who upon the demand of any person to him made, either personally or by a requisition in writing, left at his Domicile, in charge of some grown person, between sun rise and sun set, on a day not being a Sunday or other Holiday, shall refuse or neglect to proceed to make the required inspection within two hours next after having been duly required so to do (unless he be then employed in Inspecting other Fish elsewhere) shall incur a penalty of five pounds currency, in addition to any damages which may be awarded to the party injured by such refusal or neglect, and such penalty may be recovered at the suit of such party before the Provincial Court for the said District.

VI. And be it further enacted by the authority aforesaid, that each Inspector appointed under the authority of this Act shall be entitled to have and receive from the persons employing them for their respective services the rates and allowances following—that is to say; For Inspecting and stamping each Tierce one shilling and nine-pence currency; for each half Tierce nine pence currency; for each Barrel, one shilling currency; for each half Barrel, nine-pence currency, which several rates shall cover and include all remuneration for his trouble, and all expences of cooerage which such Inspector may incur in the execution of his said duty; and for each hundred weight of dry Cod Fish, one penny currency; for every draught of green Cod Fish, three-pence currency, and for packing and pressing every Hogshead or other vessel containing dry Cod Fish, and stamping the same, three-pence currency.

VII. And be it further enacted by the authority aforesaid, that all fines hereby imposed, shall be sued for before the General Quarter Sessions of the Peace, or the Provincial Court for the said District, and be recovered on the oath of one or more credible witness or witnesses other than, the informer, (which oath such Court is hereby authorized to administer,) and in default of immediate payment, shall be levied with costs by distress and sale of the Defendant's goods and chattles, and one moiety of every such fine shall be to the use of His Majesty, His Heirs and Successors, and the other moiety, shall belong to the informer. Provided always, that every such suit shall be commenced within three months after the time at which such offence shall have been committed, after the expiration of which term no such suit shall be commenced.

VIII. And be it further enacted by the authority aforesaid, that the due application of all Monies received or levied as His Majesty's moiety, of any fines incurred under this Act, shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors shall direct.

IX. And be it further enacted and declared, that this Act shall continue and be in force until the first day of May, one thousand eight hundred and thirty three and no longer.