

*At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on the Twentieth day of March, 1793, and continued by several Prorogations to the Eighth day of June, 1798; in the Thirty-eighth Year of the Reign of Our Sovereign Lord George The Third of Great-Britain, France, and Ireland, being the Sixth Session of the Seventh General Assembly convened in the said Province. From Richard John Uniacke, The Statutes at Large passed in the General Assembly held in His Majesty's Province of Nova Scotia: A complete index and abridgement of the whole. John Howe and Son, 1805.*

## 38 George III – Chapter 2

**An Act for regulating the exportation of Red, or Smoaked, Herrings, and in amendment of an Act, passed in the second year of His present Majesty's Reign, entitled, "An Act for regulating the exportation of Fish, and the assize of Barrels, Hoops, Boards, and all other kinds of Lumber, and for appointing officers to survey the same."**

Be it enacted by the Lieutenant-Governor, Council and Assembly, that, from and after the publication hereof, red or smoaked herrings for exportation, shall not be put in any other package but kegs, or boxes, of the dimensions and kind herein after described; and that the said red or smoaked herrings shall be sweet, well saved and smoaked, and all that are in the said package shall, as near as may, be of the same size, close packed, and so stowed, as completely to fill the package.

II. And be it further enacted, that the grand juries of the several counties in this province, at the court of general sessions of the peace for each county, shall annually, at the time of nominating other town officers, nominate out of every township in the said county, where the smoaking and preserving herrings is carried on, two or more fit persons; out of whom the said court shall appoint one, or more, to be inspector or inspectors of red or smoaked herrings, for each respective townships; which said person or persons, so appointed, shall be sworn to the faithful discharge of his or their duty, in manner as is prescribed by the laws of this province, in the nomination and appointment of other town-officers; and in case of his or their refusal to serve, or neglect, or misbehaviour in the execution of his or their office, he or they shall be punished in like manner, as is provided in the like case for other town officers, in and by an act, passed in the fifth year of His present Majesty's reign, entitled, "An Act for the choice of town officers, and regulating of townships"; and in case of a vacancy or vacancies, in the said office of inspector of red or smoaked herrings, between the times of the sitting of the said courts of general sessions of the peace, for the county where such vacancy shall happen; the same may and shall be filled up by two justices of the peace of the said county, in like manner as other vacancies in the town offices are filled up by virtue of the said act.

III. And be it further enacted, that if any red or smoaked herrings shall be shipped for exportation, before the same shall have been inspected, approved, and marked by the inspector of red or smoaked herrings; or if any red or smoaked herrings shall be sold, and delivered, in kegs or boxes, before the same shall have been inspected, approved, and

marked in like manner, such red or smoaked herrings, shall, on information, and due proof thereof, before any one of His Majesty's justices of the peace, be seized, and sold by warrant under the hand and seal of said justice, and the net proceeds arising from the sale, shall be paid to the overseers of the poor, for the use of the poor of the township, where such seizure shall be made.

IV. And be it further enacted, that if any master or commander of any ship or vessel, shall receive any red, or smoaked, herrings, to be carried, or exported, without the township wherein such herrings shall have been smoaked, or preserved, on board his ship, or vessel, at any port, or place, within this province, before the same shall have been marked, as herein after directed, by an inspector of red, or smoaked, herrings; the said master or commander shall forfeit, and pay, the value of such herrings, not marked as aforesaid, according to the price of merchantable herring, and in case the value of the said herring shall exceed the sum of fifty pounds, such master or commander shall forfeit, and pay, the sum of fifty pounds, and no more; to be recovered by bill, plaint or information, before any of His Majesty's courts of record within this province, or before any one of His Majesty's justices of the peace, in case the sum sued for shall not exceed three pounds; one half to the use of His Majesty, and the other for the benefit of the person who shall sue for the same.

V. And be it further enacted, that the inspector of red, or smoaked, herrings, shall mark each, and every such keg, or box, of red, or smoaked herrings, as he shall have inspected, and approved, with a brand, containing the initial letters of his Christian and sir name and name of the town, at full length, for which he is inspector; and if any person, or persons, shall counterfeit, or be concerned in counterfeiting, the said brand, or mark, of the said inspector, or shall, without the license of the said inspector, make use of his said brand, in marketing any keg, or box; or shall, by shifting, put other fish into a keg, or box, previously marked by the said inspector, in order to evade the intent, and meaning, of this act; such person, or persons, so offending, shall be prosecuted as, and for, a common cheat, and be punished as such by fine, or imprisonment, at the discretion of the court before whom he, or they, shall be convicted, as aforesaid.

VI. And be it further enacted, that the said inspector or inspectors of red, or smoaked, herrings, shall not mark any keg, but such as shall be, at least, ten inches diameter at each head, measuring within the chime, and fourteen inches in length, from the inside of one head to the inside of the other; nor any box, but such as shall measure, on the inside, eighteen inches in length, twelve inches in breadth, and six inches in depth; nor either keg or box, unless the same shall be sufficiently seasoned, strong, and well made, close packed with good red, or smoaked, herrings of one size, and previously marked with the initial letters of the name of the owner, or packer, and with the size of the herrings, which, if of the largest size of merchantable herrings, shall be marked number one; if of the second size, number two, and if of the smallest size, number three.

VII. And be it further enacted, that the inspector, who shall inspect, and mark, any keg, or box, of red, or smoaked, herrings, shall receive, from the owner thereof, two pence, for each

and every keg, or box so inspected or marked; the said inspector to open, and sufficiently reclose, the same; and, when it shall be found necessary, to cull and repack, he shall receive in like manner, for culling and repacking each keg, or box, the sum of three pence; making in the whole, for inspecting, opening, culling, repacking, reclosing and marking one keg, or box, the sum of five pence, and four pence per mile for his travel.

VIII. And be it further enacted, that all red, or smoaked, herrings, which shall be culled out, and rejected, by the inspector, as not merchantable, shall be publicly destroyed by the said inspector.

IX. And be it further enacted, that, from and after the publication of this act, it shall and may be lawful to export pickled fish, in half-quarter and eights of barrels, provided the same shall have been guaged, and surveyed, according to law; and provided the said barrel contain sixteen gallons, the quarter-barrel eight gallons, and the eighths of barrels, four gallons each.

X. And be it further enacted, that in such counties where the nomination of town-officers had already taken place for the present year, it shall and may be lawful, for any two of His Majesty's justices of the peace, to nominate, and appoint, inspectors, as aforesaid, for and during the remainder of the year, or until the inspectors shall be appointed as herein before is directed, any thing herein contained to the contrary notwithstanding.

XI. And be it further enacted, that this act shall continue in force to the first day of July, which will be in the year of our Lord one thousand seven hundred and ninety-nine, and until the end of the next session of the General Assembly.