

The Provincial Statutes of Lower-Canada, Being the fourth session of the fourth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1808.

48 George III – Chapter 31

An Act to amend an Act passed in the forty seventh year of His Majesty's reign, intituled, "An Act for the better regulation of the Fisheries in the Inferior District of Gaspé, and to repeal an Act or Ordinance, therein mentioned," and to make further regulations for the said Fisheries. (14th April, 1808.)

Whereas an Act was passed by the Legislature of this Province, in the forty seventh year of His present Majesty's reign, intituled, "An Act for the better regulation of the Fisheries, in the Inferior District of Gaspé, and to repeal an Act or Ordinance therein mentioned," which Act contains different beneficial Regulations, for the said Fisheries, and it appearing that the said Act is susceptible of certain alterations which would much amend the same, and that some further and other Regulations, are necessary for the advancement of the said Fisheries, 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 from and after the first day of May, one thousand eight hundred and nine, no person or persons, shall ship smoked Herrings, packed in casks or barrels, to be exported to any port or place, without the limits of the said inferior District of Gaspé, before he or they shall have submitted the same to the view and examination of an Inspector of Fish, under the penalty of ten shillings, current money of this Province, for every such barrel or cask, so shipped without being previously inspected and branded as herein after directed, nor shall any Master or Commander of any vessel, bound to any port or place, without the limits of the said inferior District, after the said first day of May, receive on board his said vessel any such cask or barrel of smoked Herrings, not being branded by an Inspector of Fish, under the like penalty of ten shillings, current money aforesaid, for every such cask or barrel so received on board; and the inspection and exportation of smoked Herrings as aforesaid, shall be subject and liable to the same regulations, restrictions and penalties, as are provided and established by the said Act, passed in the forty seventh year of His present Majesty, for the inspection and exportation of Wet Fish, except in so far as the contrary may be herein after expressed and declared.

II. And be it enacted by the authority aforesaid, that it shall be the duty of an Inspector of Fish, After due and careful examination by culling or inspecting, to superintend the packing thereof, from the vats into the barrels or tierces for exportation; and in the case of smoked herrings, from the smoke house, the said packing being done or caused to be done by the

owner or exporter of the fish, and at his expence, and the said Inspector, shall head up the said barrels or tierces with his own hands, and then brand the same, for all which duties, the rates or allowances herein after given and granted for culling and inspecting, shall include payment.

III. And be it further enacted by the authority aforesaid, that from and after the first day of May, one thousand eight hundred and nine, no wet Fish or smoked herrings, shall be exported from the said inferior District but in barrels, containing twenty eight gallons each, or in half barrels, containing fourteen gallons each; and the length of the staves employed in making such barrels or half barrels, shall be the same at all times, and of the same extent in their diameters, as nearly as may be, to prevent difficulty or delay in ascertaining them to be of the aforesaid guage by the Inspector.

IV. And it is further enacted by the authority aforesaid, that from and after the said first day of May, one thousand eight hundred and nine, no pickled Salmon, shall be exported from the inferior District of Gaspé but in tierces or half tierces, barrels or half barrels, containing the quantities hereafter specified, exclusive of salt and pickle, that is to say, a tierce shall contain three hundred pounds; a half tierce, one hundred and fifty pounds : a barrel two hundred pounds, and a half barrel one hundred pounds, avoirdupois weight; and the said quantities shall be weighed out, in the pretence and under the direction of the Inspector, by the owner of the salmon, with beam and scale, and then carefully packed by him, under the said Inspectors direction, into tierces and barrels of proportionable and adequate size and dimensions.

V. And be it further enacted by the authority aforesaid, that the Inspector, after heading up a barrel or half barrel containing smoaked herrings or any kind of wet fish, salmon excepted, besides the Initial Letter of his christian name and surname, at full length and the year in figures in which he examined the same, in legible characters, on one of the heads thereof, shall also brand thereon, the admeasurement of the said barrel or half barrel, in manner following, to wit: "28 Galls." "14 Galls." and in the same manner the said Inspector shall brand, on every tierce or half tierce, barrel or half barrel of salmon, the quantity of fish contained therein, as follows, 300 lbs. Nt. 200 lbs. Nt. 150 lbs. Nt. 100 lbs. Nt.

VI. And whereas it has been found by experience, that Speared Salmon or Salmon killed by the spear, are inferior in quality to Net Salmon or Salmon which have been taken with the net: Be it therefore enacted by the authority aforesaid, that from and after the said first day of May, one thousand eight hundred and nine, the Inspector, shall separate Salmon, which have been caught with the net, from those which have been killed by the spear; and the same being so separated, shall be packed into different tierces or barrels, and the Inspector shall brand the said tierces or barrels in legible characters as the contents may be, to wit; "Net Salmon," "Speared Salmon," and underneath the said respective denominations, the word, "Gaspé," in Roman letters.

VII. And be it further enacted by the authority aforesaid, that it shall likewise be the duty of every Culler and Inspector of fish, in the said Inferior District of Gaspé, on or before the first day of June, in every year, to deliver or transmit to the Clerk of the Peace, for the said Inferior District, an exact Statement or Account of the number of tierces, or half tierces, barrels or half barrels of smoked Herring, Salmon or other kind of wet Fish, and of the number of quintals of dried Fish, which he may have Culled or Inspected in the said Inferior District, in the course of the preceding year; in which said statement or account, the names of the persons, for whom he did so cull or inspect the same, shall be distinctly set forth as well as the different qualities or species of Fish; and to which said statement or account, shall be subjoined an affidavit, to be made by every such Culler and Inspector, before any one of His Majesty's Justices of the Peace, for the said Inferior District, as to the verity thereof, which said Justice of the Peace, is hereby authorised and required to administer the Oath to the said Culler and Inspector; and it shall be the duty of the said Clerk of the Peace, to file the said Statements or Accounts of Record, to the end that the same be opened to the Inspection of the Provincial Judge and Justices of the Peace, at their respective meetings at Percé and Carleton, to be held on the first days of the General Sessions of the Peace, which are there to be yearly held; and for the more readily enabling the said Provincial Judge and Justices, when so met, to know the exact amount or aggregate of the different particulars in such statements or accounts, the said Clerk of the Peace, shall make out two General Abstracts to that effect, the one comprehending the said statements or accounts, as to the Fish culled or inspected to the Westward of Point Mackarel [mackerel], and the other comprehending the said statements or accounts from the Eastward of Point Mackarel, in the said Inferior District of Gaspé; and the Provincial Judge, shall, in the course of the same year, direct and cause the said Clerk of the Peace, to make out one General Abstract, according to the said statements or accounts, and the same shall forthwith be transmitted to the Governor, Lieutenant Governor or Person administering the Government of this Province, certified under the hand and seal of the said Provincial Judge.

VIII. And be it further enacted by the authority aforesaid, that a Culler and Inspector of Fish for the said Inferior District, shall have, for his trouble in inspecting, superintending the weighing out and packing and for heading up and branding of every tierce of Salmon, the sum of ten pence, current money of this Province, for every half tierce, six pence like money, for every barrel, eight pence like money; and for every half barrel, five pence like money; and for his trouble in inspecting, superintending the packing and heading up by him and branding of a barrel of any other kind of Wet Fish, the sum of six pence, like money; and for every half barrel the sum of four pence like money; and for every Barrel of smoked Herrings, three pence like money, and for every half barrel, two pence like money; and it shall not be lawful for the said Culler and Inspector to demand or receive any higher or greater fees than those above mentioned, any thing in the said Act passed in the forty seventh year of His Majesty's reign, to the contrary notwithstanding; and all fees that may become due and owing to any Inspector or Culler of Fish, in the said Inferior District, shall and may be sued for and recovered before the Provincial Judge of the said Inferior District, in circuit, any law, usage or custom to the contrary notwithstanding.

IX. And be it further enacted by the authority aforesaid, that no Culler or Inspector of Fish, within the said Inferior District, shall, while exercising and continuing in the said Office, buy, sell, barter or exchange any Fish by him so inspected, or to be inspected, except such Fish, as may be necessary for the consumption of his own family, nor shall he, for hire, pack any fish which he may be called to cull or inspect, by the owner or exporter thereof, nor shall he receive on account, or under pretence of the same, any reward or wages over and above the fees allowed him by this Act, under the penalty of ten Pounds, current money of this Province; and every Culler and Inspector of Fish appointed, or hereafter to be appointed for the said Inferior District, shall reside and have his ordinary place of abode within the limits or division of the said Inferior District, to which he may be named and appointed by the Governor, Lieutenant Governor or Person administering the Government of this Province for the time being.

X. And be it further enacted by the authority aforesaid, that if any person or persons, shall intermix, takeout or shift any Fish, contained in any tierce, or barrel or half tierce or half barrel, inspected and branded as by this Act is required, or put any other Fish for sale or exportation, contrary to the intention of this Act, the person or persons, so offending, shall, for every such offence, forfeit the sum of twenty Pounds, current money of this Province.

XI. And be it further enacted by the authority aforesaid, that no Culler or Inspector of Fish for the said Inferior District of Gaspé, shall inspect or brand any tierce or barrel of Fish, out of the limits or place in the said Inferior District, for which he may be appointed, under the penalty of two shillings, for every tierce or barrel, and one shilling for every half tierce or half barrel, he may so inspect, except in the case of indisposition or other inability of the Inspector appointed, which being properly certified before a Justice of the Peace, permission shall and may be given in writing by such Justice of the Peace, certifying the cause aforesaid, to any other Inspector in the said Inferior District.

XII. And be it further enacted by the authority aforesaid, that if any Culler and Inspector of Fish, for the said Inferior District, shall send out his Branding Irons to any person or persons whatsoever, in order that he or they may use the same for branding any tierce or barrel, containing Fish, under any pretext whatever, the said Inspector shall forfeit the sum of twenty pounds, current money aforesaid, and be dismissed from his office; and the person or persons so having sued the Branding Irons of any Inspector, shall forfeit a like sum of twenty Pounds, current money aforesaid.

XIII. And be it further enacted by the authority aforesaid, that upon any Inspector for the said Inferior District, making oath before any Justice of the Peace for the said Inferior District, (which oath the said Justice is hereby empowered to administer,) that he has reason to believe that smoked Herrings, Salmon or any kind of wet Fish are shipped or shipping, on board any vessel or vessels, boat or boats for exportation, out of the limits of the said Inferior District, without having been inspected, such Justice of the Peace, shall, and he is hereby required, immediately to grant a Warrant to the said Inspector; under his hand and seal, authorising the said Inspector to take a Constable or other Peace Officer, and in the day

time, to enter on board any such vessel or vessels, boat or boats, lying and being in any river or part of a river, within the said Inferior District, or within the reputed extent of the Harbour or Road stead of the Town, place or limits where such Inspector may be authorised to inspect, (provided the said vessel or vessels may not then be regularly cleared out, by the Collector or proper Officer of His Majesty's Customs,) to search for and make discovery of any smoked Herrings, Salmon or other wet Fish, shipped or shipping, on board of any such vessel or vessels, boat or boats, bound to any port or place beyond the limits of the said Inferior District of Gaspé without having been inspected; and if any Inspector shall, on search, discover any smoked Herrings, Salmon or other wet Fish, not inspected as aforesaid, the said Inspector, shall and may seize and bring the same on shore; and it shall be the duty of the said Inspector, in every case of such discovery, to prosecute for the penalties imposed by the said Act passed in the forty seventh year of His Majesty's reign, or by the present Act, against the person or persons who may have so shipped the same, and against the Master or Commander of such vessel or boat, respectively, the one half of such penalty to belong the said Inspector so prosecuting against the other half to go to his Majesty; and if any Master or Commander of any vessel or boat, or any of his Seamen, shall obstruct and hinder the said Inspector, in making search as aforesaid, on producing such Warrant or Order, every person so offending, shall forfeit and pay the sum of twenty pounds, current money of this Province.

XIV. And whereas the Fishing with Nets above the first Rapids in the different Rivers of the said Inferior District of Gaspé, is manifestly injurious Salmon Fisheries in the said Rivers; and that to prevent the same, it was particularly declared by the aforesaid Act, passed in the forty seventh year of His Majesty's reign, that it should not be lawful for any person or persons to set any Nets, or haul any Seine, above the first Rapids in the River Ristigouche [Restigouche], or above the first Rapids in the great River Cascapedia, within the said Inferior District, nor should any person or persons assist the Savages, directly or indirectly, to set any Nets or haul any Seine above the said Rapids, under the penalty of five shillings, for each Salmon so caught, in disobedience to the true intent and meaning of that Act. And whereas the said penalty has been found insufficient to repress that injurious practice, by reason of the difficulty attending the finding out and coming at the knowledge of the number of Salmon, which may be so caught with any Net or Seine, and that instead of the said penalty of five shillings, for each Salmon so caught, another and different penalty should be provided. Be it therefore enacted by the authority aforesaid that hereafter, if any person or persons, shall set any Net or Seine, above the first Rapids of any River, within the said Inferior District of Gaspé, he or they shall, for every such offence, in so setting any Net or Seine, forfeit the sum of five Pounds, current money of this Province, and the aforesaid penalty, shall become due and be reckoned for every day or part of a day, that the said Net or Seine may be so set, contrary to this Act; and if any person or persons, shall assist the Savages, directly or indirectly, to set any Net, or haul any Seine, above the said first Rapids, he or they shall forfeit and pay, for each offence, the sum of five Pounds, current money; and if any person or persons, shall lend to the said Savages, any Net or Seine, or the materials for making any such Net or Seine, for the purpose of setting the same above the said first Rapids, he or they, shall forfeit and pay the sum of ten pounds, for each and every

Net or Seine, or the materials for making any such Net or Seine so lent; and if he or they shall sell any such Net, Seine or materials to the said Savages, for the before mentioned purpose, he or they shall forfeit and pay the sum of twenty Pounds, for each and every Net or Seine, or the materials for making any such Net or Seine, so sold as aforesaid.

XV. And whereas by the aforesaid Act, passed in the forty seventh year of His Majesty's reign, the Jurisdiction of the Provincial Court for the Inferior District of Gaspé, is limited to penalties for offences or contraventions against that Act, exceeding five pounds, and under twenty pounds, current money of this Province; and it appearing expedient that in future, the said Provincial Court should have cognizance of penalties, under and by virtue of the aforesaid Act, and of the present Act, which may not exceed the sum of five Pounds. Be it therefore enacted, by the authority aforesaid, that the Jurisdiction of the said Provincial Court, for the Inferior District of Gaspé, shall henceforth be inclusive of all cases of contraventions or offences against the aforesaid Act, or the present Act, whereby the penalty incurred and forfeited, may not exceed the sum of five Pounds, current money of this Province, and that the several penalties and fines imposed by this Act, shall be sued for and recovered, applied and accounted for, in the manner directed and prescribed by the before in part recited Act, passed in the forty seventh year of His Majesty's reign, except in so far as the same may have been otherwise specially directed by this Act.

XVI. And be it further enacted by the authority aforesaid, that so much of the said Act, passed in the forty seventh year His present Majesty's reign, which regards the inspection of Fish, and the exportation thereof, from the said Inferior District of Gaspé, shall not have force and effect, until after the first day of May, which will be in the year of our Lord, one thousand eight hundred and nine, any thing in the said Act contained, to the contrary in any wise notwithstanding.

XVII. And be it further enacted by the authority aforesaid, that this Act, shall be and continue in force, until the first day of January in the year of our Lord, one thousand eight hundred and twelve, and from thence to the end of the then next Session of the Provincial Parliament.