

within twenty days after the commission of the offence; and, when recovered, shall be paid, one moiety to the person so suing and prosecuting; and the other moiety to be paid into the Treasury of the Province, for the use and support of the Government thereof; and if no person shall so sue and prosecute within Twenty days, then that the same penalties and forfeitures shall be sued for and recovered by information of His Majesty's Attorney General, in the said Supreme Court; and, when recovered, to be paid, after deducting the costs and charges of prosecution, into the said Treasury for the use as aforesaid.

CAP. XXVIII.

An Act to regulate the Inspection of Dry and Pickled Fish for Home Consumption and for Exportation.

Passed 8th March, 1830.

WHEREAS, the Acts now in force regulating the Inspection and Exportation of Pickled Fish, are found to be very defective; and it is deemed necessary to make more effectual regulations relative thereto.

I. Be it therefore enacted by the President, Council and Assembly, That an act made and passed in the Fifty-ninth year of His late Majesty's Reign, intituled, "An Act to regulate the Exportation of Fish, and to repeal the Laws now in force relating thereto;" and the Acts made and passed in the Fourth year of His present Majesty's Reign, intituled, "An Act in addition to an Act to regulate the Exportation of Fish;" and the Act made and passed in the Eighth year of His Majesty's Reign; intituled "An Act to continue and amend an Act for regulating the inspection of Fish to be consumed within this Province;" also an Act made

Preamble.

59, Geo. 3. c. 13.

4, Geo. 4. c. 6.

8 Geo. 4. c. 5.

made

made and passed in the ninth year of His Majesty's Reign, intituled, "An Act in amendment of the Acts regulating the Exportation of Fish;" also an Act made and passed in the ninth and tenth years of His Majesty's Reign, intituled, "An Act to extend the provisions of the several Acts regulating the Exportation of Fish to all Pickled Fish intended for Exportation," be, and the same are hereby repealed:

9, Geo. 4. c. 27—
and

9 and 10, Geo. 4. c. 18—repealed.

II. *Be it further enacted*, That from and after the first day of June next, all Barrels, half Barrels, and Tierces in which pickled Fish, either for Exportation or Home Consumption, are packed, (for sale,) shall be made of sound, well seasoned timber, free from sap, and constructed of staves of the thickness of not less than half an inch in the thinnest part, if made of hard wood, and five eighths of an inch when made of soft wood; and shall have the bung stave made of hard wood, with heading well seasoned, and planed or shaved, and free from sap, and to be in all cases of split or rift wood. The barrels, half barrels, and tierces, to be full bound, or closely hooped for nine inches from each chimb on the barrels, and in proportion on half barrels and tierces. The barrel staves to be Twenty-eight inches in length, and the heads to be Seventeen inches between the chimbs, and to contain not less than Twenty-eight, nor over Twenty-nine Gallons; the half barrels to contain not less than Fourteen Gallons; and the tierces to contain not less than Forty-two, nor more than Forty-four Gallons.

Description and size of barrels, half barrels, and tierces.

III. *And be it further enacted*, That it shall and may be lawful for the Justices of the Peace in each County, at their first General Session Annually, or the Mayor, Aldermen, and Commonalty, of the City of Saint John, for the said City and County, to appoint fit and proper persons to be Inspectors of Fish in each County, Town,

Inspectors of Fish to be appointed where necessary.

Inspectors to give Bonds and be sworn to the faithful discharge of their duty.

Town, and place, where such may be necessary. And such persons before they enter upon the duties of their office, shall respectively give Bonds, with two sufficient sureties, to His Majesty, his Heirs, and Successors, in such sum, not less than fifty pounds nor over one hundred pounds, as the said Justices in the several Counties in this Province, and the said Mayor, Aldermen, and Commonalty of the City of Saint John, may direct; which inspectors shall be sworn to the faithful discharge of their duty. And such persons shall continue in such office until other fit and proper persons are appointed and sworn in their stead. And each Inspector shall, and is hereby required to furnish himself with a copy of this Act, which he shall, when required, produce to any person or persons who shall employ him to inspect Fish under this Act.

To furnish themselves with a copy of this Act to be produced when required.

Duty of Inspectors.

IV. *And be it further enacted,* That it shall be the duty of the said several Inspectors, to see that Mackerel, Salmon, Shad, and all other kinds of split pickled Fish, or other pickled Fish for barreling or exportation, have been well struck with salt and pickle in the first instance, and preserved sweet, free from rust, taint, or damage. And such fish as are in good order, and of a good quality, shall be packed in tierces, barrels, or half barrels. The tierces shall contain Three hundred pounds, the barrels Two hundred pounds, and the half barrels, One hundred pounds of Fish each; and the same shall be packed with good and clean salt, suitable for the purpose; the said casks after being packed, and headed up with the Fish, and sufficient salt, not less than in the proportion of One peck and a half of coarse salt to the barrel, or fine salt in the same proportion, to preserve the same, shall be filled up with a clear strong pickle, and shall be branded Mackerel, Salmon, Shad,

Mode of packing fish and contents of the tierce, barrel and half barrel.

Shad, or as the case may be. Those of the best quality, to be most approved and free from damage, shall be branded, No. 1 : those of a second quality, after the best have been selected, being sweet, and free from taint, rust or damage, shall be branded No. 2 : And there shall be a third quality of Salmon and Mackerel, which shall consist of the thinnest and poorest of those Fish which are sweet and wholesome, that shall be branded No. 3.

Brands, descriptive of quality.

Provided always, That no Herring, commonly called Sprats or Frys, shall be deemed Merchantable.

Sprats or Frys not merchantable.

And the said Inspectors shall also brand, in plain and legible Letters, on the head of each and every cask in which Inspected Merchantable pickled Fish are packed or repacked, the Initials of his Christian name, with his Surname at large, the name of the Town for which he is appointed, the year in which they are inspected, and N. B. for New-Brunswick. And all fish so inspected for exportation shall have branded on the head of each Cask the Letters Ex. : and all Fish so inspected for Home Consumption shall also have branded in like manner, H. C. Each cask shall be filled with Fish of one and the same kind ; and if any person shall intermix, take out, or shift, any inspected Fish, which are packed and branded as aforesaid, or put in other Fish for sale or exportation, contrary to the true intent and meaning of this Act, he, or they shall forfeit and pay the sum of Ten pounds for each and every Tierce, Barrel, or half Barrel so altered.

Additional Brands.

Penalty for intermixing or shifting inspected Fish.

Provided always, That if any casualty should render it necessary to repack a cask of inspected Fish, it may in all cases be done by an Inspector of such Fish : and if any person shall sell or export, or cause to be sold or exported, within or from this Province, any tainted or damaged Fish

Fish may be repacked by an inspector when necessary.

Penalty for selling or exporting damaged Fish.

Fish, he shall forfeit and pay, not less than Five, nor more than Twenty shillings, for every hundred weight that shall be thus sold or exported.

Provided always, That it shall and may be lawful to export Herrings without pickle, if the same are in every other respect conformable to this Act.

Herrings may be exported without pickle.

Pickled Fish imported from Nova-Scotia, may be sold within, or exported from this Province without further inspection.

If purchasers think proper to have them reinspected,

Inspector then to be governed by this Act and paid by the persons employing him.

Certificate of Inspector to be produced to the Collector or Comptroller of H. M. Customs, previous to exportation.

Contents of certificate.

V. And be it further enacted, That all pickled Fish that may hereafter be imported into this Province from Nova-Scotia, which shall appear to have been duly inspected and branded, according to the Laws of the said Province, may be sold within this Province, or exported therefrom without any other inspection, unless the purchaser or purchasers of such Fish shall think proper to have the same again inspected, in which case it shall and may be lawful for the buyer, and the seller, (if he shall think fit,) to call an Inspector on behalf of each to reinspect such Fish; and on such reinspection, such Inspectors shall be governed by the provisions of this Act; which Inspectors shall be paid by the persons who shall respectively employ them.

VI. And be it further enacted, That no pickled Fish shall be exported from this Province in casks by water, unless the Master or Owner shall produce to the Collector or Comptroller of His Majesty's Customs at the Port or place where the same shall be shipped, a Certificate from an Inspector, that the same has been inspected, packed, and branded according to the directions of this Act. And the certificate shall express the number of barrels, half barrels, and tierces thus shipped, the kind and quality of Fish they contain, with the name of the Master and Owner or Shipper, and the name of the vessel on board which such Fish are shipped for exportation. And every such Master, Owner

ner, or Shipper, shall take and subscribe the following Oath, before the said Collector or Comptroller :—“ I, A. B. do swear, according
 “ to the best of my knowledge and belief, that
 “ the Certificate or Certificates hereunto an-
 “ nexed, contains the whole quantity of pick-
 “ ed Fish, shipped on board the ——— ; ———
 “ Master, by or for me ; and that no Fish is
 “ shipped on board said vessel, for the Ship’s
 “ company, or on freight or cargo, but what is
 “ inspected and branded according to the Law
 “ of this Province,—So help me God.”

Form of oath to be taken and subscribed by the master, owner or shipper.

VII. *And be it further enacted,* That if the Master of any vessel or any other Person shall put or receive on board any vessel, or other carriage or conveyance, to transport the same from this Province, any pickled Fish packed in casks which are not inspected and branded in manner by this Act prescribed, he or they, on conviction, shall forfeit and pay a sum not exceeding Twenty shillings, nor less than Five shillings, for each hundred pounds of such uninspected Fish.

Penalty for transporting any pickled Fish not inspected and branded according to this Act.

VIII. *And be it further enacted,* That the said Inspectors shall respectively be paid for inspecting and branding each and every cask of Fish as directed by this Act at and after the following rates, viz :—For each barrel, when the quantity inspected for any individual at any one time, does not exceed one hundred barrels, the sum of Sixpence per barrel ; and for tierces and half tierces in the same proportion. And when the quantity inspected, for any individual at one time, shall exceed One hundred barrels, Five pence per barrel ; and for tierces and half tierces in the like proportion. The said charge for inspecting and branding to be paid by the person or persons who shall employ such inspector. And where any such Inspector shall be required to travel any

Fees to be received by Inspector.

Additional Fes for travelling.

any distance exceeding Two miles from his usual place of residence, for the purpose of inspecting any Fish, he shall be entitled to receive, in addition to the charge for inspection, Six pence per mile for every mile he shall so travel exceeding the said Two miles; the same to be paid by the person employing such Inspector.

Penalty for branding any cask, &c. not inspected, or for allowing any person to use the Brands in evasion of this Act.

IX. *And be it further enacted*, That if any Inspector shall brand any cask, the contents of which he has not inspected according to the true intent and meaning of this Act, or if he shall permit any other person or persons to use his brand or brands in violation or evasion thereof, he or they so offending, shall forfeit and pay for every cask so branded, not less than Five shillings nor more than Twenty shillings; and to be liable to be removed from office.

Inspectors may employ assistants, where not furnished by persons employing them and be entitled to charge extra.

X. *And be it further enacted*, That in all cases where the person or persons employing any Inspector, shall neglect or refuse to furnish such assistance as may be necessary to enable the said Inspector to weigh and pack at least Twenty barrels of Fish per day, it shall and may be lawful for the said Inspector to employ such persons as he may require to weigh and pack such Fish, for which he shall be entitled to receive from the person or persons who shall employ him, over and above the charge for inspection, the sum of Five pence per barrel for any quantity under One hundred barrels; and where the quantity shall exceed One hundred barrels, Four pence per barrel.

Rate of extra charges.

Justices of the Peace may issue warrant for seizing Fish about to be sold or exported contrary to this Act.

XI. *And be it further enacted*, That if any pickled Fish as aforesaid, shall be put on board any boat, vessel, or carriage of conveyance, with intent to sell or export the same, contrary to the provisions of this Act, it shall be lawful for any Justice of the Peace in the same County, or City and County, upon information given him, to issue his Warrant to the Sheriff or his Deputy,

or

or to any Constable of the Town in which such boat, vessel, or carriage may be requiring them respectively to seize and secure said Fish, and carry the same to the nearest Inspector; and such Inspector is hereby required to open and inspect, and to pack and brand the same as is before provided in this Act; and to detain the same until the expence and charges of Seizure, inspection, packing, and all other charges arising from such seizure, shall be paid. And it shall be the duty of every person when required, to give his necessary aid to the Officer having such Warrant, on pain of forfeiting Twenty shillings for his refusal.

Fish seized to be inspected and detained until all expences are paid.

Aid to be given to the officer executing the warrant under penalty of 20s.

XII. *And be it further enacted*, That all kinds of pickled Fish, which are packed in tierces, barrels, and half barrels that are offered for sale, for the consumption of the Province, shall be packed and put up in the way and manner aforesaid, except that the quantity of salt necessary to pack such Fish, shall be regulated by the persons inspecting such Fish. And all penalties and forfeitures imposed and arising by virtue of this Act, where the same shall not exceed the sum of Five pounds, shall be recovered before any Justice of the Peace; or where the same shall be more than Five pounds, and shall not exceed Fifteen pounds, before any two of His Majesty's Justices of the Peace, together with the costs of prosecution, on the oath of one or more credible witness or witnesses, and to be levied by Warrant of distress under the hand and seal of such Justice or Justices, and sale of the offender's goods and chattels. And for want of sufficient distress, such offender shall suffer not less than Five days nor more than Thirty days imprisonment. And in case such fine shall exceed Fifteen pounds, the same may be recovered in any of His Majesty's Courts of Record in this Province, by action of debt, together

Quantity of salt for fish, intended for Home Consumption, to be regulated by Inspector.

Mode of recovering penalties.

Application of penalties.

gether with costs of Suit; one half of all such penalties and forfeitures, to be paid to the person or persons who shall sue for the same, and the other half to be paid to the Overseers of the Poor of the Town or Parish where such offence shall be committed, for the benefit of the Poor of such Town or Parish.

Not to be construed to prevent uninspected fish being sold by Fishermen, bringing them to market.

XIII. *Provided always, and be it further enacted,* That nothing in this Act shall be construed so as to prevent uninspected Mackerel or other pickled Fish, from being sold at any of the Ports of this Province by the Fishermen, as they may bring them to market in casks, bulk, or otherwise, which may be wanted for immediate consumption, or be afterwards subject to inspection, and that nothing contained in this Act shall extend to Fish packed in kegs of less than ten gallons.

Nor to fish in kegs of less than 10 gallons.

If an inspection be unsatisfactory, other Inspectors may be called upon.

XIV. *And be it further enacted,* That if the Owner of any pickled Fish inspected as aforesaid, or Buyer or Seller of any such Fish, shall be dissatisfied with any such inspection, it shall and may be lawful for the said owner to call two other Inspectors, or the said buyer and seller to call one other Inspector each, to reinspect such Fish; and in case the said two Inspectors cannot agree; then they shall be at liberty to call in a third Inspector; and the determination of the said Inspectors, or any two of them, shall be final and conclusive. And in case the survey of the first Inspector shall not be confirmed, then the expence of such reinspection, shall be paid by the said first Inspector; and if the first inspection shall be confirmed, than each of the said Inspectors shall be paid by the persons who shall respectively employ them.

If first inspection be not confirmed the first Inspector to pay the expences of the second.

If confirmed, Inspectors to be paid by persons hiring them.

Inspector to be liable for damages, if the fish prove within four months to be of

XV. *And be it further enacted,* That if any Inspector shall brand and mark any Fish which shall remain in this Province, and which on examination within Four months after such inspection,

spection, shall prove to be of a quality inferior to the brand on such Fish, such Inspector shall be liable to the person or persons who shall own the said Fish, at the time of such examination, for all such damage as he or they may have sustained by reason of the said Fish proving inferior to the brand on such casks; and that such person or persons shall recover from such Inspector all such damage as he or they shall have sustained thereby, where the same does not exceed Five pounds, before one of His Majesty's Justices of the Peace, or if the same shall exceed the sum of Five pounds, and be less than Fifteen Pounds, then before two of His Majesty's Justices of the Peace; and in all cases where the damage shall exceed the sum of Fifteen pounds, by action of debt in any Court of Record in this Province, together with costs of Suit.

an inferior quality to the brand on the casks.

Mode of recovering such damages.

Provided always, That no Inspector shall be liable as aforesaid, unless he shall be duly notified of such claim within six months after he shall have inspected such Fish.

Inspector to be notified of the claim within six months after his inspection.

XVI. *Be it further enacted,* That there shall be three qualities of Dry-Cod Fish, viz:—The first or best to be called Merchantable, and to consist of smooth, well split, thoroughly dried, free from break, salt-burn, and not discoloured in curing or otherwise; and that no fish shall be deemed Merchantable, but such as are cured in catch; the second quality to be called Madeira, and to consist of the next best, being such as are not injured by being salt-burnt, broken, or much discoloured; and the third quality to be called West India, and to consist of such as may be inferior to the above, but in all respects sound, free from slime, and wholesome; and that Inspectors duly appointed under this Act, shall be allowed for their care, diligence, and trouble, Two pence per Quintal, payable half by the Seller, and half by the Buyer.

Dry fish to be of three qualities, viz—

Best to be called Merchantable.

Second,—Madeira.

Third,—West-India.

XVII.

Limitation.

XVII. *And be it further enacted,* That this Act shall continue in force until the expiration of Five years.

Not to extend to pickled fish caught and cured before 1st June next.

XVIII. *And be it further enacted,* That this Act shall not extend or be construed to extend to any pickled Fish which shall be caught and cured before the first day of June next.

CAP. XXIX.

An Act to repeal certain Acts relating to Commissioners of Sewers; and to make more effectual provisions in lieu thereof.

Passed 8th March, 1830.

Preamble.

WHEREAS the Laws now in force for the appointment of Commissioners of Sewers, have been found ineffectual for all the purposes intended.

And whereas, It is expedient to repeal the same, and to make further and more effectual provisions therefor.

26, Geo. 3. c. 45—
and—

I. *Be it therefore enacted by the President, Council and Assembly,* That an Act made and passed in the Twenty-sixth year of the Reign of His late Majesty King George the Third, intituled, “ An Act for appointing Commis-

34, Geo. 3. c. 8—
repealed.

sioners of Sewers;” also an Act made and passed in the Thirty-fourth year of the Reign of His said late Majesty King George the Third, intituled, “ An Act in addition of an Act, intituled, An Act for appointing Commissioners of Sewers,” be, and the same are hereby respectively repealed.

Governor with advice of Council to appoint Commissioners of Sewers.

II. *And be it further enacted,* That upon application of any Proprietors of any marsh, Low-lands, Meadow, or other unreclaimed Lands, the Governor or Commander in Chief, with the advice of His Majesty’s Council, may and is hereby authorized by commission to appoint such able discreet persons as to him shall seem meet, to be

Commissioners