

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1819. Fredericton, NB: George K. Lugin, Printer to the King's Most Excellent Majesty, 1819.

59 George III – Chapter 13

An Act to regulate the exportation of Fish, and to repeal the Laws now in force relating thereto. Passed the 24th of March, 1819.

Whereas the Acts now in force for regulating the exportation of Fish are blended with those regulating the exportation of Lumber, and it is expedient that they should be distinct and separate: And whereas some further regulations are necessary in addition to those contained in the same Acts,

I. Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly, That so much of an Act: made and, passed in the thirty-seventh Year of His Majesty's Reign, intituled "An Act for regulating the exportation of Fish and Lumber, and for repealing the Laws now in force regulating the same"—and also of the several Acts mentioned in the same Act—and also of all other Acts in amendment thereof, as relates to the article of fish,—be, and the same are hereby repealed.

II. And be it further enacted, that all pickled herrings, mackarel, cod and scale fish, for exportation, shall be packed in barrels of twenty-eight gallons at least, which barrels shall be made of well-seasoned timber, free from sap, and have three sufficient hoops on each bilge, and three on each end—the fish shall be all of one kind, sweet, free from rust, and closely packed, and the barrels full of strong pickle; and that all salmon for exportation, shall be packed in tierces, half-tierces, barrels, and half-barrels; which tierces, half-tierces, barrels, and half-barrels, shall be made of sound seasoned wood, free from sap, sufficient to hold pickle, and shall be full bound; each tierce shall contain three hundred pounds; each half-tierce, one hundred and fifty pounds; each barrel, two hundred pounds; and each half-barrel, one hundred pounds, exclusive of the salt, and shall be full of strong pickle; and all barrels hereafter to be made, which shall contain less than twenty-eight gallons, shall be forfeited; and on complaint and proof before any two of His Majesty's Justices of the Peace for the County where such barrels shall be offered for sale, the same shall be adjudged to be forfeited, and shall by warrant under the hands and seals of such Justices, be seized, and burnt or destroyed, by a Constable; and all pickled fish, shipped in barrels of a smaller size, or salmon shipped in tierces, half-tierces, barrels, or half-barrels, containing less weight than is herein provided, shall be forfeited, and shall and may on complaint and proof before any two of His Majesty's Justices of the Peace for the County where such offence shall be committed, or the Mayor, or Recorder, and any one of the Aldermen of the said City of St. John, be so adjudged to be forfeited, and shall and may by warrant under the hands and seals of such Magistrates, respectively directed to the Sheriff, or his Deputy, or any Constable, be seized and sold. 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.

III. And be it further enacted; that all cod and scale fish for exportation, shall be of the following discription and qualities, to wit:—Fish for the European market shall be of the first quality, properly

cured, not salt-burnt, nor broken, smoothly split, and perfectly sound fish for the West India market, if well cured and dried, shall be deemed merchantable, without having the other qualities before mentioned; and all persons shipping unmerchantable fish, shall on conviction forfeit three shillings for each quintal so shipped by them.

IV. 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 Sessions of the Peace annually, of the Mayor, Aldermen, and Commonalty of the City of Saint John, to appoint fit persons to be Inspectors of fish in each County, Town, and place where such may be necessary, whose duty it shall be to inspect the same, and brand the initials of his name on the head and bilge of each tierce, half-tierce, barrel of half-barrel, hogshead or cask so inspected; and such persons shall give bonds in the sum twenty-five pounds, with two sufficient sureties, and shall be sworn to the diligent and faithful discharge of their trust, and shall receive for inspection sixpence per cask for every cask of pickled fish, and two-pence per quintal for every quintal of cod or scale fish, when inspected in bulk, and shall continue in such office until other proper persons are appointed and sworn in their stead. Provided always and be it further enacted, that in Counties where the General Sessions of the Peace have been already holden for the present year, it shall and may be lawful for the appointment of such Inspectors to be made for the residue of the same year, at Special Sessions to be for that purpose summoned.

V. And be it further enacted, that one-half of all forfeitures or fines imposed by this Act, shall be paid to him or them who shall sue for the same, and the other half to the benefit of the Poor of the Parish where such offence shall be committed; and if the same shall not exceed twenty shillings, it shall be recoverable before any one of His Majesty's Justices of the Peace: or where the same shall be more than twenty shillings, and shall not exceed three pounds, before any two of His Majesty's Justices of the Peace, together with costs of prosecution, on the oath of one or more credible witness or witnesses, by warrant of distress and sale of the offender's goods and chattels, under the hand and seal of such Justice or Justices; and for want of sufficient distress, such offender shall suffer not less than ten, nor more than thirty days imprisonment; and in case such fine or the value thereof shall exceed three pounds, the same may be recovered in any of His Majesty's Courts of Record in this Province, with costs of suit.

VI. And be it further enacted, that all prosecutions under and by virtue of the provisions of this Act, shall be commenced within six months after the time such offence was committed.

VII. Provided always, and be it further enacted, that nothing in this Act contained shall be construed to extend to abridge, diminish, or interfere with the powers given to the Mayor, Aldermen, and Commonalty of the City of Saint John, by the Charter of the said City.