

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1828. Fredericton, NB: George K. Lugin, Printer to the King's Most Excellent Majesty, 1828.

9 George IV – Chapter 27

An Act in amendment of the Acts regulating the Exportation of Fish. Passed 5th April, 1828.

Whereas in and by an Act made and passed in the fourth year of the Reign of His present Majesty intituled "An Act in addition to an Act to regulate the Exportation of Fish;" oath is required to be made, that all Pickled Fish, shipped for Exportation, have been duly inspected and put up, before clearance shall be granted at any of the Naval Offices in this Province, and whereas the provisions of the said recited Act have since been rendered nugatory by the abolition of Naval Offices: and the frequent evasions of the Act passed in the fifty-ninth year of the reign of His late Majesty, intituled "An Act to regulate the Exportation of Fish, and to repeal the Laws now in force relating thereto," have proved greatly prejudicial to the Trade of this Province in that important article of Export.

I. Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly, that from and after the first day of September next, no Barrels, Half Barrels, Tierces, or half Tierces, of Pickled Herrings, or Salmon, shall be shipped for Exportation, or Exported from any part of this Province, to any Port or Place without the limits of the same, until an entry shall be made of the same at the Office of the Province Treasurer, or Deputy Treasurer's, as the case may be; and a Permit obtained from such Treasurer, or Deputy Treasurer, for the Shipment or Exportation of the same: and if any such Barrels, half Barrels, Tierces, or half-Tierces, of Herrings, or Salmon, are shipped for Exportation, or Exported without such Permit; every Person so Shipping the same, or Master of any Vessel receiving the same on board, or any other Person or Persons knowingly assisting in the Shipping or Exportation of the same, shall forfeit and pay the sum of Ten Shillings for each Barrel, or Tierce; and the sum of Five Shillings for each half-Barrel, or half-Tierce, Shipped or Exported contrary to the provisions of this Act; to be recovered and applied in the manner and to the uses directed in and by the said last recited Act.

II. And be it further enacted, That no Permit shall be granted for the Shipment or Exportation of any Barrel, half Barrels, Tierces, or half-Tierces, of the fish above specified, unless the same shall be of lawful size and quality: and shall have been inspected by a sworn Inspector, and marked as hereinafter mentioned; and the Person so entering the same for Shipment or Exportation, shall take and subscribe the following oath:

[Insert person's name, residence, and occupation] maketh oath and saith, that he is desirous of Shipping on board the Ship or Vessel called [here insert the name of the Vessel and the Master thereof] now lying at _____ and bound to [here insert the place where such Vessel is bound] the following Pickled Fish, viz. [here insert the number of Barrels, half Barrels, Tierces, and half Tierces, as the case may be, and the particular description of Fish] which same are, as this Deponent verily believes, of lawful size and description; and have been duly inspected and marked by [here state the name of Inspector,] a sworn Inspector for [here state the County,

City, Town, or District for which such Inspector is appointed.] So help me God. Which oath the said Treasurer or Deputy Treasurer is hereby authorized and required to administer; and shall thereupon grant his Permit for the lading and exportation of the same.

III. And whereas in and by the said last mentioned Act, it is required that the Fish Barrels should have three sufficient hoops on each bilge, and three on each end; which are not considered sufficient. Be it further enacted, that instead thereof, each Barrel as aforesaid, shall be well hooped with hoops at each end, covering not less than two thirds of the Barrel.

IV. And be it further enacted, That from and after the said first, day of September next, every Inspector shall brand the initial letter of his Christian name and his Surname at length on the head and bilge of each Barrel, half-Barrel, Tierce, half-Tierce, Hogshead, or Cask, inspected by him, and shall enter in a book to be by him kept for that purpose, the number and description of Barrels or other Casks so inspected and branded by him, the kind of Fish contained in the same, the date of such Inspection, and the person's name at whose request the same was made; which said book such Inspector shall, if required, produce and exhibit to the Province Treasurer, or any of the Deputy Treasurers, as the case may be.

V. And be it further enacted, That the said recited Act, passed in the fifty-ninth year of the Reign of His late Majesty, shall be, and the same is hereby declared to be in full force, excepting so far as the same is herein expressly altered; and that this Act, and also the said last mentioned Act, (except as aforesaid,) shall extend, and be construed to extend, to the City of St. John, any law usage or custom to the contrary notwithstanding.

VI. Provided always, and be it further enacted, That each and every person who shall be appointed Inspector of Fish within the City of Saint John, shall give bond to the Mayor, Aldermen, and Commonalty of the City of Saint John, with two sufficient sureties for the due discharge of his duty, in such sum as they may deem proper, not less than fifty pounds, and not exceeding one hundred pounds; and that the Bonds to be given by Inspectors of Fish in any other part of the Province, shall be made and entered into in the name of His Majesty, his heirs and successors.

VII. And be it further enacted, That if any Inspector of Fish shall brand any Barrel, half-Barrel, Tierce, half-Tierce, or Hogshead, without having examined the same, or which shall not be of proper size, description, and quality; he shall forfeit and pay, for each and every offence, the sum of five pounds, to be sued for and recovered with costs before any two of His Majesty's Justices of the Peace for the County where such offence shall be committed; and to be levied by distress and sale of the offender's Goods and Chattels; which penalty, when recovered, shall be paid as follows: one half to the person who shall inform and sue for the same, and the other half to the Overseers of the Poor of the Parish where such offence shall be committed: and if no Goods or Chattels shall be found whereon to levy such penalty, the offender shall be committed to the Goal of the County where such offence shall be committed, by warrant of the said Justices, for a space of time not less than ten days and not exceeding twenty days, as such Justices in their discretion may deem proper.

VIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed, to prevent the said Mayor, Aldermen, and Commonalty of the City of Saint John, from making such further and other regulation for the Inspection of Fish, put up in the said City for Exportation, or brought into the said City for that purpose, as they from time to time may consider necessary; not contrary to or inconsistent with the provisions of this Act.