

Continued by 1. D. C. 3 and 2 D. C. 8
and amended by 4 D. C. 2



ANNO QUARTO

GULIELMI IV. REGIS.

(2ND SESSION.)

CAP. XVI.

An ACT to Regulate the Packing and Inspection of Pickled Fish for Exportation from this Island.

[12th June, 1834.]

WHEREAS it would conduce to the benefit and advantage of the Trade of this Colony, if wholesome regulations were made for the Curing and Packing of Pickled Fish therein, and for the Inspection of all such Fish exported therefrom: *Be it therefore enacted*, by the Governor, Council, and Assembly, in Colonial Parliament assembled, that from and after the Thirty First Day of December next, all Tierces, Barrels, and Half-barrels, in which Salmon, Mackerel, Herrings or other Pickled Fish, may be packed for Exportation from Newfoundland, shall be *New* casks, and shall be made of sound and well-seasoned wood, free from sap, knots, and bug or worm-holes, and shall have each one hardwood bung-stave, and be well and sufficiently hooped with four hoops on each bilge, and four hoops on each chime; and furthermore, the staves of all such casks shall, at the thinnest ends, be half an inch in thickness; and if made of soft wood, shall be, at the ends, at least three quarters of an inch in thickness; and the ends or heads of the casks shall be made of wood not exceeding one inch in thickness, be planed or shaved smooth on the outside, and have one-third of the thickness at the edges cut from the outside.

Preamble.

Description of the casks in which Fish shall be packed.

II.—*And be it further enacted*, that it shall and may be lawful for the Governor, or Acting Governor, of this Colony, to appoint and commission Two Persons, of competent skill and knowledge, who shall be Inspectors of all the Pickled Fish intended to be Exported from the Town of Saint John's; who, before they enter on the duties of their office, shall give bonds, with three sufficient sureties, to his Majesty, his heirs and successors, in the penal sum of Three Hundred Pounds sterling, each, for the faithful discharge of their duty, and shall be sworn faithfully to perform the same. And it shall and may be lawful for the said Governor or Acting Governor, and he is hereby authorized, to appoint competent and skilful persons, as Inspectors of Pickled Fish in every Harbor or Seaport in this Colony, where the

Governor to appoint Inspectors, who shall give security for faithful performance of their duty.

same shall be applied for, to pack such Pickled Fish for Exportation, who shall give a like security in the penal sum of Two Hundred Pounds sterling, each; and shall likewise be sworn to the faithful discharge of their duty, as such Inspectors of Pickled Fish.

Quantity of Fish each cask shall contain.

III.—*And be it further enacted*, that each *Tierce* of Pickled Fish shall contain Three Hundred Pounds of Fish, each *Barrel* Two Hundred Pounds, and each *Half-barrel* One Hundred Pounds weight, respectively, at the least, over and above the quantity of Salt and Pickle necessary to preserve the said respective quantities of Fish.

Dimensions of cask.

IV.—*And be it further enacted*, that the casks intended to contain Pickled Fish, shall be made of wood, of the following dimensions, that is to say—the *Barrels* shall be made of staves cut not less than Twenty-seven Inches in length, and of Heading cut to the diameter of Seventeen and One-quarter Inches at the least; the *Half-barrel* of Staves cut Twenty-two Inches in length; and the *Tierces* in the like proportion.

Proportion of salt.

V.—*And be it further enacted*, that every *Barrel* of Pickled Fish Inspected under this Act, shall contain, besides the weight of Fish, required as aforesaid, at least Five Gallons of coarse Foreign Salt, or other Salt suitable therefor, being clean and good; and the *Half-barrels* and *Tierces* shall contain the like proportion thereof.

Manner in which fish shall be pickled and packed.

VI.—*And be it further enacted*, that all the Inspected Pickled Fish, whether Salmon, Mackerel, Herring, or other kinds, and whether split or otherwise, shall be Fish well Struck or Salted in the first instance, with Salt or Pickle, and preserved sweet and free from rust, taint, or damage; and shall be packed with suitable Salt for their preservation; and in such *Tierces*, *Barrels*, and *Half-barrels*, and containing the respective quantities aforesaid; and each cask shall be filled with fish of one and the same kind and quality, and be properly packed and headed up with the proper number of hoops thereon, and shall be headed up with a clean strong pickle, sufficiently heavy to float *Fish* of the kind packed; and before the Fish are packed in the *Barrel*, they shall be carefully sorted and classed, according to their respective numbers and quality, and shall then be carefully weighed; and on each layer of Fish, as packed in the *Barrel*, the Salt shall be regularly placed to the extent in all of the quantity hereby required for the casks respectively.

Qualities of fish to be numbered.

Salmon, and Mackerel,

No. 1.

VII.—*And be it further enacted*, that there shall be Three Numbers or Qualities of Salmon or Mackerel, and Two Numbers or Qualities of Herrings, or other Fish, as follows:—The Quality number One, of Salmon or Mackerel, shall comprehend Fish of the fattest and best kind; having, previously to being salted, the blood thoroughly scraped from the back-bone, and being properly soaked, well cured, and in every respect free from any taint, rust, or damage whatsoever. The Mackerel shall be Fall Fish.

No. 2 & 3.

The Quality number Two, of Salmon and Mackerel, shall comprehend the best of those that remain after the selection of the first quality; and the quality number Three shall consist of the thinnest and poorest Fish, or of good Mackerel under eight inches in length; both qualities shall be sweet and wholesome, entirely free from rust, taint, or damage, properly cured, and well soaked before being salted.

Herrings and other fish.

The Quality number One, of Herrings or other Fish, shall be of the fattest and best Fish; and the quality number Two, of the poorer, thinner, and inferior Fish; both qualities of the said Fish shall be carefully pipped, and cleaned, and cured, and be sweet and wholly free from rust, taint, or damage; and they shall also be packed with at least Five Gallons of suitable Salt to each *Barrel*, and so in proportion

for other Casks; and no Mackerel not split shall be Inspected, and all rusted Fish shall be branded (No. 4, Rusty); and no tainted or damaged fish of any kind shall be permitted to be packed, or Inspected, for Exportation.

VIII.—*And be it further enacted*, that the several casks containing Pickled Fish, so sorted, packed, and Inspected, as is herein directed, shall be branded, in legible characters, on one head of the casks with the description of the Fish, and the number of the quality thereof, contained therein; and also with the initial letter of the Christian Name, and the whole Surname, of the Inspector by whom the same shall be inspected, the Name of the place where he acts as Inspector, and the letters N. F. L. D. for Newfoundland; and also the date of the year in which such Fish was caught; and if such date cannot be ascertained, the Fish to be branded “*Old*.”

IX.—*And be it further enacted*, that the sorting, weighing, inspecting, and branding, any cask of Fish, as aforesaid, shall be made and done either by, or in the presence and sight of, some one of the said Inspectors, who hath given security as aforesaid; and unless in such immediate presence, and sight of, an Inspector, no other Person whomsoever shall be allowed to brand a Cask, or sort or inspect such Fish, under a penalty not exceeding Three Pounds, sterling; and the like penalty upon the Inspector suffering the same to be done.

X.—*And be it further enacted*, that in every case when it becomes necessary, in consequence of any casualty, to repack a Cask of Inspected Pickled Fish, intended for Exportation, such repacking shall only be done by an Inspector, if one be within Five Miles of the place of repacking.

XI.—*And be it further enacted*, that no Pickled Fish shall be Exported from this Island, in Casks, unless the master or owner shall produce to the Collector of Customs, or other proper Officer, who may be authorised by the Governor, a certificate from the Inspector of Pickled Fish, 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 or shipper, shall take and subscribe the following declaration before the officer authorized as aforesaid:

“I, A. B. do declare that the certificate hereunto annexed contains the whole quantity of Pickled and Barrelled Fish on board the master, and that no Fish is shipped on board the said vessel for the ship’s company, or on freight or cargo, but what is inspected and branded according to the Law of this Colony.”

And if any master of a vessel, or other person, shall receive or put on board any ship or vessel, to transport the same from this Colony, any Pickled or Whole Fish, packed in Casks which are not inspected, and branded, in the manner by this Act prescribed, he or they, on conviction, shall forfeit and pay not less than Thirty Shillings, sterling, nor more than Forty Shillings Sterling, for every Hundred Pounds of such un-inspected Fish.

XII.—*And be it further enacted*, that whosoever shall, in, or from, any cask, intermix, take out, or shift any inspected Fish, packed or branded as aforesaid; or put therein other Fish for Exportation, contrary to the true intent and meaning of this Act; and whosoever shall Export, or cause to be Exported, or ship for Exportation, from this Colony, any tainted or damaged Fish, or any Tierce, Barrel, or Half-

Rusted fish.

Manner of Branding Casks.

Sorting, branding, &c. to be done in presence of an Inspector.

Penalty.

Repacking.

No Pickled Fish to be exported without a certificate of an Inspector.

Declaration to be made of such inspection by shippers

Penalty for shipping fish not inspected.

Penalty for intermixing or shipping fish after inspection, or exporting damaged or uninspected fish.

Barrel of Pickled Fish, not Inspected and Branded according to this Act; and whosoever, being the Master of any Vessel, having on board any Pickled Fish for Exportation, or being the Shipper thereof, shall not produce to the Principal Officer of Customs for the Port, before the Ship's departure therefrom, such Certificate of the inspection of Pickled Fish, as is herein directed, each and every of the parties so offending shall suffer and pay a penalty of Twenty Shillings Sterling, for every Hundred Weight of such Fish, in this section referred to.

Penalty on inspectors branding fish deficient in quality, &c.

Such deficiency to be proved to be caused by the badness of the casks.

Fish packed contrary to this Act to be forfeited.

No pickled fish to be exported without Inspector's certificate.

Proviso.

Officers of Customs and Inspectors, to enforce the provisions of this Act.

Officers of Customs to grant certificates of pickled fish cleared out.

XIII.—*And be it further enacted*, that whensoever it shall appear that any cask of Pickled Fish, branded by any such Inspectors as aforesaid, hath proved unequal, in quantity or quality, to that which may be indicated by the brand on the Cask, or be deficient in any of the requisites in this Act before-mentioned, then, and in every such case, on due proof thereof, the party injured thereby shall be entitled to recover from such Inspector, for each and every such deficient cask of Fish, double the value thereof at the time of the Inspection: *Provided always*, that in every such case, sufficient proof shall be given, by the party complaining, that the said Cask, when first opened, was found to be insufficient, and defective, in the particulars required by this Act; and that such insufficiency, or defect, arose entirely from the state, condition, or bad quality of the Cask, or of the Fish, or the bad packing or pickling of the Fish, at the time of the inspection thereof; and not from any casualty or neglect subsequent to the inspection.

XIV.—*And be it further enacted*, that all Pickled Fish not Inspected and Branded according to this Act, and Tainted or Damaged, being in Tierces, Barrels or Half-Barrels, and Shipped for Exportation; and all Fish taken, shifted, or intermixed, from, or in, the Cask, after the inspection and branding thereof; shall be, and is hereby, declared forfeited.

XV.—*And be it further enacted*, that no Vessel laden, or partly laden, with any Pickled Fish, the produce of the Fisheries of this Colony, and destined to any Port or Place whatsoever out of the same, shall, after the Thirty-First day of December next, be permitted to depart from this Colony for such Port of destination, until the Master of the said Vessel, or the Shipper of such Pickled Fish, shall first produce to the Collector, or Deputy Collector of Customs, for the Port or Place where such Pickled Fish are laden on board, a Certificate of an Inspector of Pickled Fish, for the place of her lading, setting forth, and certifying, that all Pickled Fish laden on board such Vessel, have been, according to Law, Surveyed and Inspected, and the Fish Barrels Branded according to the provisions of this Act: *Provided*, however, that nothing in this Act shall be construed so as to prevent Uninspected Mackerel, or other Pickled Fish, from being Sold in any Port or Harbour of this Colony, by the Fishermen, Planters, or others, as they bring them to Market, in Casks, Bulk, or otherwise; and that nothing contained in this Act shall extend to Fish packed in Kegs of less than Ten Gallons.

XVI.—*And be it further enacted* that it shall be the duty of the Collector, Sub-Collectors, and Officers of His Majesty's Customs, throughout this Colony, and of the Inspectors of Fish appointed by virtue of this Act, severally to enforce the execution of this Act, and to compel obedience thereto; and to Seize, and prosecute to Condemnation, all Pickled Fish liable to be forfeited under this Act.

XVII.—*And be it further enacted*, that it shall be the duty of the Principal Officers of His Majesty's Customs, in all parts of this Colony, whenever any Pickled Fish is cleared out according to this Act, to grant to the Master of the Vessel, wherein the same shall be Shipped,

a Certificate in the following words, that is to say—

“ These will certify that A. B. Master of the bound
from hence to has cleared out of Pickled
according to Law.”

(To be signed by the Collector or Officer of Customs.)

XVIII.—*And be it further enacted*, that the Inspectors of Pickled Fish, who shall or may be appointed under or by virtue of this Act, shall respectively be paid for each Certificate for Exportation, One Shilling Sterling; and for Inspecting and Branding each and every Cask of Fish, as directed by this Act—for each Tierce, Ten Pence Sterling; for each Barrel, Seven Pence Sterling; and for each Half-barrel, Four Pence Half-penny Sterling. The charge for the Certificates, Inspecting and Branding, shall be paid by the Exporter, or Purchaser, in addition to the purchase or cost of the Fish; and bills for the legal fees of Inspection, and Certificates, shall, in the first instance, be paid by the original owner of such Fish, or by the person employing the Inspector; and all such owners and employers are hereby empowered to demand, and recover the amount of said bills from the subsequent purchaser or Exporter. And it shall be the duty of all such Inspectors of Pickled Fish, annually to make returns to His Excellency the Governor, of all Pickled Fish that shall have been inspected by them, respectively, during the past year.

Fees to Inspectors.

Inspectors to make returns to the Governor annually.

XIX.—*And be it further enacted*, that if any Inspector of Pickled Fish shall brand any Cask, the contents of which he has not inspected, packed, salted and coopered, according to the true intent and meaning of this Act, or if he shall permit any other person or persons to use his brands, in violation or evasion thereof, he or they so offending shall forfeit and pay, for every Cask so branded, the sum of Five Pounds Sterling, and be liable to be removed from his office.

Penalty on Inspectors branding casks without inspection of contents.

XX.—*And be it further enacted*, that if any Pickled or Barrelled Fish, as aforesaid, shall be put on board any boat or vessel, with intent to Export the same, contrary to the provisions of this Act, it shall be lawful for any Justice of Peace, upon information being given him, to issue his Warrant to seize and secure the said Fish; which on being seized, shall be delivered to the nearest Inspector, and such Inspector is hereby required to open and inspect, and to pack and brand the same, as is required by this Act; and to keep and detain the same until the expense 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 Constable or Officer having such Warrant, on pain of forfeiting the sum of Thirty Shillings Sterling, for his neglect or refusal herein.

Fish shipped without inspection may be seized.

Proceedings thereupon.

XXI.—*And be it further enacted*, that when any quantity of Fish shall be required to be inspected, and the same doth not exceed Five Barrels, the same shall, if required by the Inspector, be brought to the Store, Wharf, or Place of Business of such Inspector; but if the quantity be greater, the Inspector shall attend at the place where the said Fish may be, and inspect the same, within Two Days after being requested thereto; under the penalty of forfeiting to the owner thereof, Forty Shillings Sterling, for each day that he shall, after such space of Two Days, neglect such inspection: *Provided always*, that if the place, at which such Fish is required to be inspected, shall be more than One Mile from the Place of Business of such Inspector, he shall not be required to proceed to the inspection thereof, until payment or tender be made of his fees for travel, at the rate of Nine Pence a Mile, from the place of his business, and back.

Attendance of Inspectors.

Recovery and appropriation of penalties.

XXII—*And be it further enacted*, that all pecuniary penalties, by this Act imposed, shall and may be recovered before a Justice or Justices of the Peace, or in any Court of Record in this Colony; and that all pickled Fish forfeited, or subject or liable to any penalty, shall and may be seized by any Inspector of Fish, or Officer of Customs, to abide the judgment or order of such Justice or Justices of Peace, or Court of Record; and the proceeds of all such penalties, fines and forfeitures, aforesaid, shall be paid, One Moiety to His Majesty, His Heirs and Successors, to be applied to the general purposes of the Colony; and the other moiety to him who shall prosecute and sue for the same.

Limitation.

XXIII.—*And be it further enacted*, that this Act shall be in force for Two Years, and thence to the end of the then next Session of the General Assembly of this Colony.