

Laws of Her Majesty's Province of Newfoundland, passed in the year 1841.

4 Victoria – Chapter 2

**An Act to regulate the Packing and Inspection of Pickled Fish, for Exportation from this Colony.
(Passed 26th April, 1841.)**

Whereas the several Laws made by the Legislature of this Colony, for the regulation of Packing and Inspecting Pickled Fish for Exportation from this Island, have expired; and 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 of Newfoundland, in General Assembly convened, that from and after the passing of this Act all Tierces, Barrels and Half-barrels in which Salmon, Mackerel or Herrings 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 each have 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, except as hereinafter provided.

II. And be it further enacted, that it shall and may be lawful for the Governor, or Person administering the Government for the time being, to Appoint and Commission two or more Persons, of competent skill and knowledge, who shall be Inspectors of all 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 Her Majesty, Her 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 Person administering the Government for the time being, and he is hereby authorized, to appoint competent and skilful Persons as Inspectors of Pickled Fish in every Harbour or Sea-port in this Colony where the 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 his or their duty as such Inspectors of Pickled Fish.

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.

IV. And be it Further enacted, that every Cask intended to contain Pickled Fish shall, under a Penalty not to exceed Five Shillings, to be paid by the Owner or Owners of such Fish, be made of Wood, of the following dimensions, that is to say—the Tierce shall be made of Staves cut not more than Thirty Inches in length, and of Heading cut to the diameter of Twenty Inches, and to be Twenty-three Inches clear in

the bilge when finished; the Barrel shall be made of Staves cut not more than Twenty-seven Inches in length, and of Heading cut to the diameter of not more than Sixteen and One-quarter Inches, and not exceeding Nineteen and One-half Inches clear in the bilge; the Half-barrel, of Staves cut Twenty-two Inches in length, and the Tierces in like proportion.

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-barrel and Tierce shall contain the like proportion thereof.

VI. And be it further enacted, that all the Inspected Pickled Fish, whether Salmon, Mackerel, or Herring, 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 filled up with a clean strong Pickle, sufficiently heavy to float a 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.

VI. And be it further enacted, that there shall be three numbers or qualities of Salmon or Mackerel, and two numbers or qualities of Herrings, 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 rust, taint or damage whatsoever; and the Mackerel shall be Fall Fish: 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: The quality number One, of Herrings, 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, faint, 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 the Month and Year in which such Inspection was made, and also with the initial letter of the Christian name, and the whole Surname, of the Inspector by whom the same shall have been 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 or done either by or in the presence and sight of some one of the said Inspectors who hath given security as aforesaid; 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 any case where it becomes necessary, in consequence of any casualty, to repack a Cask of Inspected Pickled Fish, intended for Exportation, such repacking shall 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 authorized 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 one half of the value of all such uninspected Fish so Exported or Shipped.

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-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.

XIII. And be it further enacted, that whenever it shall appear that any Cask of Pickled Fish, Branded by any such Inspector as aforesaid, hath proved unequal, in quantity or quality, to that which may be indicated by the Brand on the Cask, or he 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 taken, shilled, or intermixed, from or in the Cask, after the Inspection and Branding thereof, shall be and is hereby declared to be 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 passing of this Act, 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 Her Majesty's Customs, throughout this Colony, and of the Inspectors of Fish appointed by virtue of this Act, severally to enforce the execution of the same, 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 Her Majesty's Customs, in all Ports 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 form, that is to say—

“These will Certify that A. B., Master of the ____ bound from hence to _____, bus 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 of the Certificate, 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 Persons employing the Inspector; and all-such Owners and Employers are hereby empowered to demand, and recover the amount of said Bill from the sub-sequent Purchaser or Exporter. And it shall be the duty of all such Inspectors of Pickled Fish annually to make returns to the Governor, or Person Administering the Government for the time being, of all Pickled Fish that shall have been Inspected by them, respectively, during the past year.

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 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.

XX. And be it further enacted, that if any Pickled or Barrelled Fish, as aforesaid, shall be put on board of 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 the 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 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.

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 per Mile, from the place of his Business, and back.

XXII. And be it further enacted, that it shall and may be lawful for any Person or Persons to Ship and Export from this Colony any quantity or quantities of Salted or Pickled Herrings in Bulk, and also any quantity or quantities of Salted or Pickled Herrings or Mackerel, packed in ordinary Pork or Beef Barrels, whether the same shall be of the dimensions of the Casks required by the Provisions of this Act or otherwise, any thing herein contained to the contrary notwithstanding.

XXIII. And be it, further enacted, that all Herrings and Mackerel, Packed for Exportation in such Pork or Beef Barrels, shall be Inspected, as regards quality and condition, in the same manner, and under and subject to the same Regulations, Restrictions and Penalties, as are prescribed in this Act; Provided nevertheless, that no Herrings or Mackerel, Packed in any such Pork or Beef Barrels, shall be Marked or Branded by the Inspector as of quality No. 1.

XXIV. And be it further enacted, that all pecuniary penalties, by this Act imposed, shall and may be recovered before any two or more Justices of the Peace, in a summary way, or in any Court of Record in this Colony; and that all Pickled Fish subject or liable, either in whole or in part, to Forfeiture, shall and may be Seized by any Inspector of Pickled Fish, or Officer of Customs, to abide the Judgment or Order of such Justices of the Peace, or Court of Record; and the proceeds of all such, Penalties, Fines and Forfeitures aforesaid, shall be paid over to the Treasurer of this Island, to be appropriated by the Legislature, to the, uses of the Colony: Provided, that in all cases where the said Penalties, Fines or Forfeitures, or any of them, shall have been recovered by the Testimony of more than one Witness one moiety of the same shall be paid over to the Informer, and the other moiety shall be paid unto the Treasurer of the Colony, to be appropriated as aforesaid.

XXV. And be it further enacted, that no Pickled Fish herein required to be Inspected, shall be Exported from this Colony unless the same shall have been Inspected in the Town or Harbour from which it is intended to be so Exported: And any Inspector who shall grant a Certificate for Fish which he shall not have personally Inspected, shall be guilty of a misdemeanour.

XXVI. And be it further enacted, that any Purchaser of Inspected Pickled Fish who may, at the time of delivery, require the same to be Re-inspected, shall be entitled to do so, on paying the expenses incident on such Re-inspection; and shall pay for such Fish according to the qualities Branded by the Inspector who shall have Re-inspected the same.

XXVII. And be it further enacted, that this Act shall continue and be in force for the period of Four Years, and from thence to the end of the next Session of the Legislature.