

Laws of Her Majesty's Province of Upper Canada, passed in the year 1840. York: Robert Stanton, 1840.

3 Victoria – Chapter 24

An Act to regulate the Inspection of Fish, and to prevent Non-residents in this Province from Fishing within the Waters of the same. Passed 10th February, 1840.

Whereas it is expedient that Inspectors of Fish should be appointed in this Province, and that the packing, salting, and Inspection of Fish should be regulated by Law, and that Non-residents should not be permitted to interfere in our Trade in the same: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,*" and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for the Governor or Lieutenant Governor of this Province to appoint in each and every District of this Province, when the same may be required, one or more Inspectors of Fish.

II. And be it further enacted by the authority aforesaid, That such Inspector or Inspectors shall, before entering upon the Duties of his or their Office, take the following oath or affirmation:—"I do solemnly swear, or affirm (as the case may be,) that I will faithfully, truly and impartially, according to the best of my judgment, skill and understanding, execute, do and perform the duty and Office of an Inspector of Fish, according to the true intent and meaning of the Act, entitled, "*An Act to regulate the Inspection of Fish, and to prevent Non-residents in this Province from fishing within the Waters of the same;*" (which oath any Justice of the Peace in the District in which he or they shall be appointed to act may administer;) and shall enter into Bonds with Her Majesty, with two sufficient Sureties, in the penal sum of One Hundred Pounds, which Bond shall be approved of by the Clerk of the Peace for such District, and deposited with the Treasurer.

III. And be it further enacted by the authority aforesaid, That each Inspector of Fish shall annually, in the month of January, make a return to the Clerk of the Peace in the District in which he resides, of the quantity of Fish inspected by him during the year preceding the first day of January, and in such return he shall specify the quantity of each quality so inspected.

IV. And be it further enacted by the authority aforesaid, That it shall be the duty of the Inspector or Inspectors so to be appointed, on application being made to any one of them for that purpose, to proceed to inspect all Fish by opening one of the heads of each Barrel or half Barrel, and if the same is found to contain sound and Merchantable Fish, with a sufficient quantity of Salt to preserve the same, he shall then brand the same, as hereinafter provided, on the head of such Barrel or half Barrel; and if the Fish are found unsound or not Merchantable, the same shall be destroyed by the Inspector; and if the Barrel or half Barrel is not full, or not salted with a sufficient

quantity of Salt, that in that case the said Inspector shall fill the same with sound or Merchantable Fish, or add such quantity of Salt as he may deem requisite, as the case may be.— Each Barrel shall contain Two Hundred Pounds, and each half Barrel One Hundred Pounds.

V. And be it further enacted by the authority aforesaid, That each Barrel or half Barrel shall be filled with Fish of one and the same kind, and the Inspectors shall brand, in plain legible letters, on the head of each Barrel or half Barrel of Fish inspected by them respectively, No. 1, or No. 2, representing the quality of the Fish packed or repacked, and they shall also brand on the head of each Barrel or half Barrel the species of the Fish, the initials of the Christian name, and the whole of the Surname the Inspector, the name of the District in which such Fish was inspected, and the words “Upper Canada.”

VI. And be it further enacted by the authority aforesaid, That if any person shall intermix, take out, or shift any Fish of any Barrel or half Barrel inspected and branded as by this Act required, or put into any Barrel or half Barrel inspected and branded any other Fish for sale or exportation, or alter the face of, or change the brand or mark of any Inspector, contrary to the true intent and meaning of this Act, the person or persons so offending shall, for every such offence, forfeit and pay the sum of Five Pounds, on conviction before any two of Her Majesty’s Justices of the Peace, upon the oath of one or more credible Witness or Witnesses; such Fine or Penalty, if not paid in three days after conviction, may be made and levied of the Goods and Chattels of the person or persons so convicted in manner aforesaid, as hereinafter provided.

VII. And be it further enacted by the authority aforesaid, That all Pickled Fish which shall have been duly inspected, in any District in this Province, shall not be subject to re-inspection in any other District, and may be shipped and exported to any Foreign Port.

VIII. And be it further enacted by the authority aforesaid, That all Barrels or half Barrels used for packing and repacking Pickled Fish, shall be manufactured in this Province, and shall be made of sound well-seasoned white, red or black oak, white ash, or white pine timber; the Barrels and half Barrels shall be well hooped with at least ten good hoops each, and shall be made in a workmanlike manner; the Fees for inspecting and branding shall be for each Barrel Six-pence currency, and for each half Barrel Four-pence currency; and for overhauling, repacking, inspecting, and branding for each Barrel One Shilling, and for each half Barrel Seven-pence Half-penny, exclusive of cooperage; and for every Bushel of Salt or part thereof so consumed as aforesaid, the value of such Salt according to the Market price thereof, at the time and place of such Inspection, the said Fees and Charges shall be paid by the person employing the Inspector.

IX. And be it further enacted by the authority aforesaid, That if any or either of the Inspectors so to be appointed under the authority of this Act, shall be guilty of any fraud or neglect in inspecting any Fish, or of offering any fee or reward to owners of Fish, or their Agents, or to any other person, in order to obtain the profits of inspecting or repacking the same, on any pretence whatever, or shall brand any Barrel or half Barrel containing Fish contrary to the true intent and meaning of this Act, or which has not been actually inspected agreeably to the provisions of this Act, or shall permit any other person to use his brand, in violation or evasion of the provisions of this Act, he

shall, on conviction thereof before any two of Her Majesty's Justices of the Peace residing within the District where the offence is committed, upon the oath of one or more credible Witness or Witnesses, forfeit and pay the sum of Ten Pounds, and in default of such payment within six days after conviction, the said Justices of the Peace, or any one of them, shall and may issue an execution against such Inspector's Goods and Chattels so convicted, as by any law of this Province is authorised in Judgments awarded in the Court of Requests.

X. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, it shall not be lawful for any person not residing in this Province to Fish within the Waters of Upper Canada, or be directly or indirectly engaged in the same, either as owner or part owner of a Seine, or as a Partner, or to haul any Seine, Net, or Line upon any part of the Beach of the Waters of this Province; and every person found so offending against the provisions of this Act, shall be liable to be imprisoned for a period not less than thirty days, nor exceeding ninety days, upon conviction before any two of Her Majesty's Justices of the Peace, upon the oath of one or more credible Witness or Witnesses.

XI. And be it further enacted by the authority aforesaid, That if it shall appear to the Inspector that a part of the Fish in any Barrel or half Barrel inspected by him is sound and part unsound, then it shall and may be lawful for the said Inspector to separate the sound from the unsound, and repack the sound Fish, and add such Salt or Pickle as he may judge necessary, and brand the same as aforesaid, and such Fish as the Inspector shall judge not capable of preservation, he shall condemn as bad.

XII. And be it further enacted by the authority aforesaid, That nothing in this Act contained shall be taken or deemed to apply to any Fish put up and packed out of the Province, and imported into the same.