

VOLUME 2/12: H.D. WILSON, BRITISH COLUMBIA, PROVINCE OF  
SCHEME TO CONTROL THE MARKETING OF DRY-SALT  
HERRING AND DRY-SALT SALMON PRODUCED IN THE  
PROVINCE OF B.C. VICTORIA: KING'S PRINTER,  
1937.



PROVINCE OF BRITISH COLUMBIA.

"Natural Products Marketing (British Columbia) Act."

Scheme to control the Marketing of Dry-salt Herring and  
Dry-salt Salmon produced in the Province of  
British Columbia.

NOTICE.

HIS HONOUR the Lieutenant-Governor in Council, pursuant to the provisions of the "Natural Products Marketing (British Columbia) Act," has been pleased to establish the scheme set out hereunder for the control and regulation of the marketing of dry-salt salmon and dry-salt herring produced in British Columbia.

K. C. MACDONALD,  
Minister of Agriculture.

Victoria, B.C.,  
August 25th, 1937.

SCHEME UNDER THE "NATURAL PRODUCTS MARKETING (BRITISH COLUMBIA) ACT" TO CONTROL THE MARKETING OF DRY-SALT HERRING AND DRY-SALT SALMON PRODUCED IN THE PROVINCE OF BRITISH COLUMBIA.

*Short Title.*

This scheme shall be known as the "British Columbia Salt Fish Scheme."

*Interpretation.*

1. In this scheme and in any orders, rules, and regulations made thereunder, unless the context otherwise requires:—

- (a.) "Act" means the "Natural Products Marketing (British Columbia) Act" and any amendments thereto and the regulations thereunder;
- (b.) "Regulated product" means dry-salt herring and dry-salt salmon, or any variety, grade, or size thereof;
- (c.) "Marketing Board" means the British Columbia Salt Fish Board constituted under the provisions of the Act and authorized to administer this scheme;
- (d.) "Marketing" includes buying and selling and offering for sale and shipping to any point in the Province of British Columbia for sale or for storage and subsequent sale, and "market" has a corresponding meaning:

- (e.) "Person" includes any person, firm, or corporation;
- (f.) "Producer" means a person owning or operating under licence from the Province of British Columbia a plant for producing dry-salt herring or dry-salt salmon;
- (g.) "Provincial Board" means the British Columbia Marketing Board constituted under the Act;
- (h.) "Vehicle" includes any motor-vehicle, railway-car, ship, boat, or other thing in which any regulated product can be transported.

*Definition of the Scheme.*

2. The purpose of the scheme is to control the trade or business of marketing the regulated product, and for such purpose all regulated products shall be marketed only through the Marketing Board or its servants or agents, and all other persons are hereby prohibited from doing any act of marketing regulated products, and all persons shall deliver for marketing all regulated products produced by them or in which they have any interest or under their control at such time or times and to such place or places as directed by or on behalf of the Marketing Board.

*Constitution of the Marketing Board.*

3. (1.) There shall be a Marketing Board of five members, to be known as the "British Columbia Salt Fish Board."

(2.) The members of the Marketing Board for the period until the 30th day of September, 1937, shall be: Hugh Dalton, of Vancouver, British Columbia; George Edward Crawford, of Vancouver, British Columbia; Arthur James Blackwell, of Vancouver, British Columbia; Kishizo Kimura, of Vancouver, British Columbia; Toyazo Matsuyama, of Vancouver, British Columbia. Hugh Dalton, of Vancouver, B.C., shall be Chairman of the said Board until the said 30th day of September, 1937.

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(3.) Before the 30th day of September in each year members of the Marketing Board shall be appointed as follows:—

- (a.) Two persons shall be appointed annually by the Meal, Oil, and Salt Fish Section of the Canadian Manufacturers' Association (British Columbia Division):
- (b.) Two persons shall be appointed annually by the Canadian Salt Herring Exporters, Limited:
- (c.) A Chairman shall be appointed annually by the Commissioner of Fisheries of the Province of British Columbia on the nomination of the Meal, Oil, and Salt Fish Section of the Canadian Manufacturers' Association (British Columbia Division) and the Canadian Salt Herring Exporters, Limited, which person shall not be directly engaged or have a financial interest in the production or sale of the regulated product:
- (d.) In the event of the failure to appoint any of the members referred to in clauses 3 (a) or 3 (b) hereof or in the event of the failure to make or agree upon the nomination referred to in clause 3 (c) hereof within the time limited, then the Commissioner of Fisheries may make such appointments as he considers advisable in the public interest:
- (e.) In the event of any casual vacancy occurring on the Marketing Board or in the event of there being any temporary vacancy through the absence or incapacity of a member, any such vacancy may be filled by the Commissioner of Fisheries or by the Meal, Oil, and Salt Fish Section of the Canadian Manufacturers' Association (British Columbia Division) or by the Canadian Salt Herring Exporters, Limited, by such one of them as appointed the vacating member. Such appointment may be made for the unexpired term of the vacating member or for the period of his absence or incapacity as the nature of the vacancy warrants. The remaining members may act not withstanding any such vacancy.

*Exercise of Powers by the Marketing Board.*

4. (a.) The head office of the Marketing Board shall be located in Vancouver, British Columbia.

(b.) Meetings of the Marketing Board shall be called by the Chairman and reasonable notice thereof shall be given by telegraph, telephone, or post. Furthermore, any three members of the Marketing Board may call a meeting by giving reasonable notice by post. Any meeting may adjourn from time to time.

(c.) Any business of the Marketing Board may be conducted by correspondence or by telegram, and any vote taken by correspondence or by telegram shall be as effective and binding as if taken at a meeting of the said Marketing Board regularly called and shall be recorded in the minute-book.

(d.) If at any meeting the Chairman is not present the meeting shall elect a temporary Chairman.

(e.) Any three members of the Marketing Board shall constitute a quorum.

(f.) At meetings of the Marketing Board each member shall have one vote.

(g.) Questions arising at any meeting of the Marketing Board shall be decided by a majority of the votes of the members present, and in the case of an equality of votes at such a meeting the member acting as Chairman shall have a second or casting vote.

(h.) The mailing of a copy of any order, rule, or regulation of the Marketing Board to any person addressed to him at his last-known place of address shall be good and sufficient notice thereof to such person, and service of such notice shall be deemed to be effected at the time at which the letter containing the copy would be delivered in the ordinary course of the post, and the production of a statutory declaration as to the mailing of a copy shall, without further proof, be evidence in all Courts of the matters and things therein contained.

(i.) In any proceedings under this scheme the production of a copy of any order, rule, or regulation of the Marketing Board, certified under the hand of any member of the Marketing Board and sealed with the seal of the Marketing Board, shall be, without further proof, evidence in all Courts of the matters and things therein contained and it shall not be necessary to prove the handwriting or official position of the person certifying the same.

(j.) The financial year of the Marketing Board shall be from the first day of August to the next following thirty-first day of July.

*Powers of the Marketing Board.*

5. For the purpose of the scheme of control, but without limiting the generality of the provisions of section 2 hereof, the Marketing Board shall have the following powers:—

(a.) To receive from producers and to sell or otherwise dispose of, place in storage, or arrange for the storage of regulated products, at such time or times and in such manner and at such prices, and either separately or mixed with the products of other producers, and either by public auction or private contract, or otherwise howsoever as may seem advisable:

(b.) Subject to the provisions of clause 5 (c) hereof, to establish capital or reserve funds for the purposes of the marketing of the regulated product in such amounts as it may from time to time consider advisable.

(c.) Subject to the provisions herein contained as to the prorating of proceeds and the establishment of a scheme of distribution, to pay to the producers, after deducting all such sums as the Marketing Board may consider necessary for all proper charges and expenses, including the Marketing Board's charges for marketing, or for capital or reserve funds (which deductions for capital and reserve funds combined shall not exceed one per centum of the total proceeds from the sale or other disposition of products in any year), the residue of the proceeds of the sale or other disposition of the said products,

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- and the Marketing Board may make such deductions at any time and from time to time from any moneys in its hands derived from the sale of products in that or any previous year:
- (d.) From time to time, to determine without discrimination the quantity of the regulated product which it will receive for marketing from each producer, having regard to the market demands as nearly as the Marketing Board can ascertain them in the usual course of business, and to adjust such quantities as between producers as may be equitable throughout the marketing season:
- (e.) To refuse and reject for marketing any regulated product unfit for marketing, or any regulated product or any quantity thereof, the marketing of which would, in the opinion of the Marketing Board, be detrimental to the interests of the general body of producers. In the event of such refusal or rejection the producer shall not be entitled to any compensation in respect thereof:
- (f.) To regulate the time and place at which the regulated product shall be packed or stored; to determine the quantity and quality, grade or class of the regulated product that shall be transported or stored by any person at any time, and to prohibit the transportation, packing, or storage of any quantity or quality, grade or class of the regulated product:
- (g.) From time to time and subject to such terms and conditions as it deems advisable, to exempt from the operations of this scheme, or from any order, rule, or regulation of the Marketing Board, such producers or such products or such methods of marketing, transportation, or storage or handling as it deems fit, and to make such other exemptions as it deems necessary:
- (h.) To require any and all persons engaged in the production of any regulated product to register their names, addresses, and occupations with the Marketing Board:
- (i.) To pay the operating and necessary expenses of the Marketing Board, including the cost of storage, transportation, and handling of the regulated products:
- (j.) To require full information relating to the production, packing, transporting, or storing of a product from all persons engaged therein, and to require periodical returns to be made by such persons, and for the purposes of this scheme to inspect the books and premises of such persons:
- (k.) To employ such officers, agents, and employees as the Marketing Board may deem necessary or desirable, upon such terms and conditions as the Marketing Board may consider advisable, and such persons shall receive such salaries or remuneration as may be fixed by the Marketing Board, and clause 3 (o) of the Regulations under the "Natural Products Marketing (British Columbia) Act" shall not apply:
- (l.) To exercise any of its powers hereunder through officers, agents, or servants:
- (m.) For the purpose of making any inspection under this scheme by its servants or agents at all reasonable hours, to enter into and upon any building or premises of any producer of a regulated product or of any person handling the regulated product:
- (n.) To require producers and other persons handling a regulated product to give to any person transporting any product within the Province authority to furnish to the Marketing Board all information in possession of that person in respect to the regulated product transported by that person, and authority to the Board to inspect the records of that person relating thereto:
- (o.) To require the person in charge of any vehicle in which the regulated product could be transported to permit any member or employee of the Marketing Board to search the vehicle:
- (p.) To seize and dispose of any of the regulated products kept, transported, or marketed in violation of the provisions of this scheme or of any order of the Marketing Board:
- (q.) From time to time, to make orders, rules, and regulations as to the delivery or storage and time and place of delivery or storage of any regulated products, and to make regulations as to the handling, classifying, grading, and inspection of any such product:
- (r.) To promote by all lawful means the sale of regulated products, and for that purpose to enter into agreements or other reciprocal arrangements with all persons, associations, firms, or corporations handling or concerned in the handling of products for the disposition and sale of the same to wholesalers, retailers, and consumers thereof:
- (s.) To settle any and all claims for damage which may be sustained by any such product during transit or which may occur in any other manner whatsoever:
- (t.) To effect insurance in any insurance company authorized to transact business in Canada against loss by any means whatsoever for the products held or owned by or consigned to or by the Marketing Board while in transit or in storage, and to pay the necessary premium or premiums therefor in cash or by means of a definite fund or percentage on such regulated products to be formed and set aside for that purpose:
- (u.) To prorate the proceeds from the sale or other disposal of any or all the regulated products delivered by the producers thereof under a scheme of distribution framed according to differences in varieties, grades, sizes, or times of delivery of the said regulated products or any other circumstances affecting the same, in the discretion of the Marketing Board, and from time to time to vary and alter such scheme:
- (v.) To mortgage, pledge, or hypothecate, under the "Bank Act" or otherwise,

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the said regulated products, or the returns to be received therefor, or the charges made in respect of the marketing thereof, for the purpose of providing money to meet operating costs, and as between the Marketing Board and any lender the property in the said regulated products or returns shall be deemed to be in the Marketing Board, but as between the Marketing Board and the producer the property in the said regulated products or returns shall remain in the producer: Provided, however, that such borrowing shall not exceed the sum of \$50,000 in any one year:

(w.) To promote the dry-salt fish industry in such manner as may seem advisable, and especially by compiling, publishing, distributing, and furnishing information with respect thereto:

(x.) To rent, purchase, or acquire such lands and premises as may be necessary for its operations, and clause 3 (p) of the Regulations under the "Natural Products Marketing (British Columbia) Act" shall not apply:

- (y.) From time to time, to make orders, rules, and regulations as may be necessary in pursuance of its powers, and to amend or revise the same:
- (z.) To do all such other things as are incidental to the exercise of the above powers or any of them.

6. All contracts respecting any regulated product or the marketing thereof heretofore or hereafter entered into shall be deemed to be subject to the provisions of this scheme, and all orders, rules, or regulations made or to be made thereunder, and in the event of any inconsistency the provisions of the said scheme and the said orders, rules, and regulations shall prevail.

7. The provisions of the "Sales on Consignment Act" shall not apply to the marketing under this scheme through the Marketing Board of any regulated product.

VICTORIA, B.C.:

Printed by CHARLES F. BANFIELD, Printer to the  
King's Most Excellent Majesty.  
1937.

Reprinted from B.C. Gazette, August 26th, 1937, page 1529.

200-937-7883