

The Provincial Statutes of Lower-Canada, Being the second session of the thirteenth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1829.

9 George IV – Chapter 51

An Act for the preservation of the Salmon Fisheries in the Counties of Cornwallis and Northumberland. (14th March, 1829.)

Whereas an Act passed in the fourth year of His Majesty's Reign for the better regulation of the Fisheries in the Inferior District of Gaspé, and in the Counties of Cornwallis and Northumberland, will expire on the first day of May next, and whereas it is expedient again to make provision for a limited time thereafter, for the preservation of the Salmon Fisheries in the County of Cornwallis and in that part of the County of Northumberland, lying eastward of Cap Tourmente: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America,' and for making further provision for the Government of the said Province;" And it is hereby enacted by the authority of the same, that it shall not be lawful to catch or kill salmon in the said County of Cornwallis, or in that part of the said County of Northumberland, lying eastward of Cap Tourmente, by any means or in any manner whatsoever, from and after the first day of August, in any year during this Act, nor shall it be lawful during the same period to buy or receive from the Indians any salmon after the said first day of August aforesaid, nor from any person whatever any salmon caught or killed and offered for sale in either of the said Counties, after the said day, under the penalty of five shillings, currency, for every offence in disobedience to this Act: Provided always, that nothing herein contained shall be construed to extend to prevent the Indians from catching and killing salmon for their own and for their families' use at any time.

II. And whereas it is necessary for the preservation and improvement of the Salmon Fisheries in the aforesaid Counties, that salmon be not prevented from passing freely and without obstruction the different rivers therein up to their spawning places: Be it therefore enacted by the authority aforesaid, that the channels or main water courses of the several rivers in the said County of Cornwallis, and within the extent aforesaid of the said County of Northumberland, shall at all times be left open and free of obstruction of whatsoever kind; and where no channel can be ascertained, then one-third the breadth of the river, comprising the deepest water thereof or main-water course, shall be so left open, and free, under the penalty of five pounds currency, recoverable from the person or persons who shall have caused such obstruction.

III. And be it further enacted by the authority aforesaid, that it shall be the duty of each and every Justice of the Peace, Officer of Militia and Peace Officer, in the said Counties respectively, on view or on complaint to him made, that any net or other obstruction hath been placed, and is in any river in his neighbourhood, contrary to the intent and meaning of this Act, and in a manner manifestly prejudicial to the salmon fishery in such river, forthwith to remove, or cause to be removed, such net or other obstruction.

IV. And be it further enacted by the authority aforesaid, that the times and forfeitures imposed by this Act may, within three months after the commission of the offence but not afterwards, be prosecuted and recovered in a summary manner before any Justice of the Peace, and that the testimony on oath of one credible witness, other than the prosecutor or informer, shall be sufficient to convict any person offending against this Act.

V. And be it further enacted by the authority aforesaid, that every conviction before any Justice of the Peace that may take place under and by virtue of this act, shall be drawn up in the form prescribed in the Appendix to this act (Letter A.)

VI. And be it further enacted by the authority aforesaid, that for each and every summons, including the information or plaint, that may at any time issue in virtue of this Act from any Justice of the Peace, no greater sum than one shillings current money aforesaid, shall be demanded, charged or paid, and for each and every subpoena that may issue to compel the attendance of any necessary witness, no greater sum than ninepence, current money aforesaid, including the copy that may be served upon such witness, shall be demanded, charged or paid; and for each and every conviction including the entry of the same on the Register as aforesaid, no greater sum than one shilling current money aforesaid, shall be demanded, charged or paid; and for a warrant of distress no greater sum than nine pence, current money aforesaid, shall be demanded, charged or paid; nor shall any Justice of the Peace, claim, exact or receive, under any cause or pretext whatever, any greater recompence or fee with respect to any such summons, subpoena, or copy of subpoena, conviction or entry thereof as aforesaid, or warrant of distress, or for any service or extra service in relation with the same, than is hereby above allowed and specially authorized.

VII. And be it further enacted by the authority aforesaid, that for the services of any Constable or Peace-Officer, in and about any prosecution under or in virtue of this Act, no greater recompence or remuneration shall be allowed than is hereby specified, that is to say, for the service and certificate thereof of every summons, ninepence current money aforesaid; for the service and certificate thereof of every copy of a subpoena, ninepence, current money aforesaid; for levying any penalty under and by virtue of this Act seven shillings and sixpence current money aforesaid, and these allowances shall be exclusive of mileage, at the rate of one shilling for each and every league, which such Constable or Peace Officer must in the due execution of such warrant of distress, or of any other duty by him to be performed under this Act, necessarily and unavoidably travel from his home or domicile (distances in returning from the place, of service, seizure or sale not counted,) and which mileage shall be in lieu of all travelling expenses.

VIII. And be it further enacted by the authority aforesaid, that the fines and forfeitures by this Act imposed, shall in case of non-payment be levied by distress and sale of the goods and chattels of the offender, by virtue of a warrant to this effect, under the hand of the Justice of the Peace before whom the conviction shall have taken place, directed to any Constable or Peace Officer, and the overplus of money, if any, arising from the sale, after deducting, the penalty and costs, shall be returned to the offender.

IX. And be it further enacted by the authority aforesaid, that one moiety of the fines and forfeitures by this act imposed, shall go to the prosecutor or informer, and the other moiety shall await the disposal of the Provincial Legislature, for the public uses of the Province, and he accounted for to His Majesty, His Heirs and Successors through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form, as His Majesty, His Heirs and Successors shall be pleased to direct.

X. And be it further enacted by the authority aforesaid, that nothing in this act contained shall in any manner prejudice the rights of His Majesty or of anybody politic or corporate, or any person or persons whomsoever with respect to any of the Rivers in the said County of Cornwallis and within the extent aforesaid of the said County of Northumberland, those in this Act mentioned excepted.

XI. And be it further enacted by the authority aforesaid, that this Act shall continue and be in force until the first day of May in the year one thousand eight hundred and thirty-one and no longer.

(APPENDIX A.)

Province of Lower-Canada, }
County of }

Be it remembered that on this _____ day of _____ in the
year _____ A. B. is convicted before me _____ one of His Majesty's Justices
of the Peace; (Here set forth the offence) and I do accordingly adjudge him by virtue of an
Act passed by the Legislature of this Province in the _____ year of His Majesty's
Reign, intituled, "An Act for the preservation of the Salmon Fisheries in the Counties of
Cornwallis and Northumberland" to pay and forfeit by reason of the offence aforesaid,
whereof the said A. B. stand convicted, the sum of _____
Given under my hand at _____
the day and year aforesaid