

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on the Sixth Day of June, 1770, in the Tenth Year of the Reign of Our Sovereign Lord George the Third, of Great Britain, France, and Ireland, King, Defender of the Faith, &c. and there continued by several Prorogations until the Twentieth Day of October, Anno Domini 1775, in the Fifteenth Year of his said Majesty's Reign, being the Second Session of the Fifth General Assembly convened in the said Province.

15 George III – Chapter 10 (Session 2)

An Act in Addition to, and Amendment of, an Act made in the Third Year of his present Majesty's Reign, intituled, An Act to prevent Nuisances by Hedges, Wears and other Incumbrances obstructing the Passage of Fish in the Rivers in this Province.

Whereas in and by an Act made in the third year of his present Majesty's Reign, intituled, "An Act to prevent Nuisances by Hedges, Wears, and other Incumbrances, obstructing the Passage of Fish in the Rivers in this Province." It is enacted, "That if any person or persons shall presume to erect or set up any hedge, wear [weir], fish garth, or other incumbrance, or place any seine or seines across any river in this province, contrary to the rules and regulations made by the Justices in their General Quarter Sessions annually, such person or persons shall upon due conviction thereof, forfeit and pay the sum of ten pounds," with penalty in many cases is found too high and the method of recovering for the same inconvenient, for remedy whereof,

I. Be it enacted by the Governor, Council and Assembly, that it shall and may be lawful for the Justices in their General or Special Sessions of the Peace, annually to make rules and orders for the regulation of the river fishery in their respective counties and districts, as they from time to time shall find necessary for the preservation thereof, and to affix a penalty for the breach of the same, not exceeding ten pounds, to be recovered when the sum does not exceed twenty shillings before one Justice, and when the sum exceeds twenty shillings and not exceeding three pounds before two Justices, any law, usage or custom to the contrary notwithstanding.

II. And be it also enacted, that the said Justices in their sessions as aforesaid, shall and may appoint two or more fit persons to be overseers of the river fishery, who shall be sworn to the faithful discharge of their duty, and shall have power to remove any net, hedge, wear, fish garth, seine or other incumbrance, that shall be found in any river contrary to the regulations made by the said Justices.

III. And be it also further enacted, that if any net, hedge, wear, fish garth, seine, or other incumbrance shall be found in any river, contrary to the regulations so made by the said Justices, and no owner appearing to claim the same in ten days after public notice shall have been given, thereof, the said net or seine, shall, together with the fish found therein, be forfeited and sold, to satisfy the penalties aforesaid, the overplus if any be paid to the

overseers of the poor for the use of the poor of the township where the offence shall be committed.

IV. Provided, that nothing in this Act shall be construed to extend to such rivers, to which fish do not resort in the seasons for spawning.

V. And be it enacted. That the several additions and amendments made to the afore recited Act, by this Act, shall continue and be in force for the term of two years, and until the end of the session of the General Assembly then next following.