

Ordinances of the Lieutenant Governor and Council of His Majesty's Province of Cape Breton passed in the year 1793. National Archives of the United Kingdom CO 219/1.

33 George III – Chapter 2

An Ordinance to prevent nuisances by Hedges Wears and other Incumbrances obstructing the Passage of Fish in the Rivers in this Government.

Whereas the Executing or Setting of Hedges, Wears, Fishgarths or other Incumbrances or placing Seins or Nets across any River to Stop, obstruct or Straten the Natural course and passage of Fish in their Seasons for Spawning must be very detrimental and may entirely destroy the Salmon, Bas [bass], Shad delevive and Gaspers Fishery which the new Settlers in General depend on in a great measure for their Subsistance Therefore in Order to preserve that valuable – support to the Inhabitants of this Government

Be it Ordained and Ordered by His Excellency the Lieutenant Governor by and with the Advice and consent of His Majesty's Council, and it is hereby ordained and ordered by the authority of the same, That the Justices in their first General Quarter Sessions held in each District annually shall and are hereby impowered and directed to make Rules and orders for the Regulation of the River Fishery in their respective Districts as they from time to time shall find necessary for the preservation thereof.

And it is hereby further Ordained and Ordered by the authority aforesaid. That if any Person or Persons shall presume to Erect or set up any Hedge Wear Fishgarth or other Incumbrance or place any Seines across any River in this Government contrary to the Rules and regulations so fixed on and Established by the Justices in their said General Quarter Sessions Annually, Such Person or Persons shall upon due conviction thereof forfeit and pay the Sum of Twenty pounds One half of which shall be for the Person who shall inform and prosecute for the same and the other half shall be for the Public uses of this Government to be recovered by Action Bill Plaint or Information in any of His Majesty's Courts of Record in this Government.

And be it also Ordained and Ordered by the Authority aforesaid 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 who shall have power and authority to remove any Net Hedge, Wear Fishgarth, Seine or other Incumbrance, That shall be found in any river contrary to the regulations made by the said Justices,

And be it further ordained and ordered by the authority aforesaid, That if any Net or Seine 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 Penalty aforesaid, And the overplus if any shall be applied to the use of the Poor of the District where the offence shall be committed,

And Whereas from the Infant State of the Settlements on the North West Side of this Island. It has hitherto been found impracticable to constitute Courts of General Quarter Sessions in that District, And Whereas the Salmon Fishery is chiefly carried on in the Rivers of such District and more especially so in the River called Margree [Margaree] or Salmon River And Whereas the Inhabitants residing on and near the said River have represented that unless some immediate remedy is provided the Salmon Fishery in the said River will be in all probability in a short time be totally destroyed by the means that are pursued by some of the Fisherman in obstructing the Passage of the Fish at the Mouth of the said River

Be it therefore further Ordained and Ordered by the Authority aforesaid, That in all such Districts where Courts of General Quarter Sessions have not been as yet Established it shall and may be Lawful for the Inhabitants of their respective Settlements in such Districts to meet at the most convenient and Public Place in their respective Settlements as soon as possible after the Publication hereof, Which said Inhabitants or the Majority of them when so met together as aforesaid shall and are hereby respectively impowered and directed to make such Rules and Orders for the regulation of the river fishery in their respective Settlements, as they shall find necessary for the preservation thereof. And any Person or Persons who shall presume to Act contrary to the Rules and Regulations so fixed on and Established by the said Inhabitants or the Majority of them such Person or Persons shall upon due Conviction thereof be liable and Subject to the same Penalties and to be recovered and applied in the same manner as is herein before mentioned and directed in cases where the said Orders and regulations are fixed on and Established by the Justices at the General Quarter Sessions.

And it is hereby further ordained and ordered by the Authority aforesaid, That the Inhabitants or the Majority of them who reside in any such Settlement in any District in which no Court of General Quarter Sessions has as yet been Established shall and they are hereby Authorized and impowered to meet Annually on the first Monday in May at some convenient and Public place in such settlement untill a Court of General Sessions shall be Established for such District, And then and there to fix in and Establish, such Rules and Orders for the Regulation of the River fishery in their respective settlements as the Justices are herein before authorized and impowered to fix on and Establish at the General Quarter Sessions and such others as they from time to time shall find necessary for the preservation thereof which said Rules and Orders shall & are hereby declared to be of the same force and Effect to all intents and purposes as if the same had been fixed on and Established by the Justices at the General Quarter Sessions

Provided that nothing in this Ordinance contained shall extend or be construed to extend to any Such Rivers to which Fish do not resort in the Seasons for Spawning

Ordained and Ordered
Accordingly in Council
the Tenth day of June in
the Thirty Third Year of
His Majesty's Reign –

From: British North America Legislative Database; University of New Brunswick
bnald.lib.unb.ca

Passed in Council
the 10th June 1793 –
Mathews P.

By Command of His Excellency

W. McKinnon Secry