

C A P. V.

An ACT to CONTINUE SUNDRY ACTS  
of the GENERAL ASSEMBLY which are  
near EXPIRING.

I. **B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act made and passed in the twenty-sixth year of the reign of KING GEORGE the THIRD, intituled, "An Act for the PRESERVATION OF MOOSE," and also, "An Act made and passed in the same Year, intituled, "An Act to prevent Frauds in the sale of damaged Goods imported into this Province," be continued and in force, and the said Acts are hereby continued and declared to be in full force until the first day of March, which will be in the year of our Lord, One Thousand Seven Hundred and Ninety-two.

An Act for the preservation of Moose, and, an Act to prevent frauds in the sale of damaged goods imported into this Province, continued until 1st March 1792.

C A P. VI.

An Act for REGULATING the FISHERIES  
in the different Rivers, Coves,  
and Creeks of this Province.

I. **B**E it enacted, by the Lieutenant Governor, Council and Assembly, That if any person or persons after the publication of this Act shall presume to erect or set up any Hedge, Wear, or Fish-garth, or other incumbrance, or place any Seine or Seines, Net or Nets across any river, cove or creek in this Province, otherwise than is herein after provided, such person or persons shall forfeit and pay the sum of *ten pounds* upon due conviction thereof by the oath of one or more witnesses or witnesses, before any two of His Majesty's Justices of the Peace in the County where such offence shall be committed, to be levied by warrant of distress and sale of the offender's goods, rendering the overplus if any, to such offender, and *twenty pounds* for the second offence, to be recovered with costs by action of debt, bill, plaint or information, in any Court of record in this Province; and *fifty pounds* for the third and every subsequent offence, to be recovered with costs in the manner last mentioned—one half of which penalties shall on conviction be paid to the informer, and the other half to the Overseers of the Poor of the Parish or Town where such offence shall be committed, to be applied to the use

Any person erecting hedges, wears, fish-garths, &c. or placing seines or nets contrary to the provisions of this act, to forfeit 10*l.* to be levied by distress and sale of the offenders goods.

20*l.* for the second offence to be recovered by action of debt, bill, plaint or information, and 50*l.* for the third and every subsequent offence.

One half of the penalties to the informer and the other half to the overseers of the poor.

Justices of the Sessions in each County to allow hedges and wears to be erected and seines and floating nets to be used.

Provided they do not obstruct the natural course of the Fish.

Justices of the Sessions to appoint overseers of the Fisheries in each County.

Who shall have power to remove any net, hedge, wear, fish-garth, seine, &c.

If any net, hedge, wear, &c. be found contrary to the regulations, and no owner appears in ten days, the same to be forfeited and sold.

No net to be set longer than 30 fathoms in the main river, Saint John, or the broad part of the Kennebecacis river—and in any of the branches of the said rivers not more than 1/4 of the width thereof.

Any person setting a net contrary to this act to pay 5s.

to be levied by warrant of distress and sale of the offenders goods.

Justices for the General Sessions for the City and County of St.

of such Poor. *Provided always,* that the Justices in their General Sessions of the Peace held in each County, shall, and are hereby impowered and directed to allow such Hedges and Wears; to be erected, and such Fish-garths, Seines, and floating Nets to be used, and in such manner as they may judge proper and necessary, such liberty or toleration to be granted under the express limitation and restriction that the said Hedges and Wears so to be erected, and the said Fish-garths, Seines, and floating Nets so to be used shall not obstruct, injure or hurt the natural course of the Fish in any river or place where they usually go.

II. *And be it further enacted,* That the Justices in their General Sessions held in each County may, and are hereby impowered to appoint one or more fit persons to be Overseers of the Fisheries within the County, 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, cove or creek, contrary to the regulations so to be made by the said Justices.

III. *And be it further enacted,* That if any Net, Hedge, Wear, Fish-garth, Seine, or other incumbrance shall be found in any river, cove or creek contrary to the regulations so made by the said Justices, and no owner shall appear to claim the same in ten days, the said Net, Seine or Fish-garth, shall together with the Fish (if any) found therein, be forfeited and sold by the said Overseers, to satisfy the Penalties aforesaid, and the overplus, if any, paid to the Overseers of the Poor for the use of the Poor of the Town or Parish where such offence shall be committed.

IV. *And be it further enacted,* That no Net shall be set longer than thirty fathoms in the main river *Saint John*, or extend more than thirty fathoms into the same river, or the broad part of the *Kennebeckacis* river, and in any of the branches of the said rivers not more than one fourth part of the width of the branch where such Net shall be so set.—And if any person or persons shall be found setting any Net otherwise than is herein directed, such person or persons shall on due conviction thereof before any two of his Majesty's Justices of the Peace, on the oath of one or more witness or witnesses, forfeit and pay the sum of *five pounds*, one half to the informer, the other half to the Poor of the Town or Parish where such offence shall be committed; to be levied by warrant of distress and sale of the goods of the offender, rendering the overplus, if any be, to such offender.

V. *And be it further enacted,* That the Justices of the General Sessions of the Peace, for the City and County of *Saint John*, shall and may make such rules and regulations for the fisheries

eries from the mouth of the river *Saint John*, to the *Boar's-Head*, as they shall from time to time find necessary for the effectual preservation and free passage of the Fish.

*John*, to regulate the fisheries from the mouth of the river to the *Boar's Head*.

VI. *And be it further enacted*, That nothing herein before contained shall extend or be construed to extend to the County of *Northumberland*, but that the fishery of the river *Miramichi*, and its branches shall be regulated in manner herein after mentioned, that is to say, no Net shall be set in the said river, on either side thereof, between *Sheldrake Island* and lot number fifty, inclusive, on the north side of the said river, now in the occupation of *Alexander Stuart*, more than eighty fathoms from low water mark into the said river, nor between the said lot number fifty, and lot number thirty nine, or the lower end of *Middle-Island*, more than forty fathoms, nor upon any lot opposite to *Middle-Island*, more than thirty fathoms, nor any net extending from *Middle-Island* to the north side of the river, more than thirty fathoms, nor from the upper end of *Middle-Island*, to lot number twenty-four, more than sixty fathoms, nor from the said lot number twenty-four, to lot number one inclusive, more than fifty fathoms, nor from lot number one, to *Beaubert's Point*, more than forty fathoms; and no Net shall be set between the said Point and *Tittle-Island*.—*Provided always*, that no Net to be set in the said river shall extend into the water more than ten fathoms, where the water in the said river shall be deeper than four fathoms.

Nothing herein before contained to extend to the County of *Northumberland*. The fishery of the river *Miramichi* and its branches, to be regulated as follows, viz. No net to be set between *Sheldrake Island*, and lot No. 50 on the north side of the river, more than 80 fathoms from low water mark—nor between lot No. 50, and lot No. 39, or the lower end of *Middle Island*, more than 40 fathoms, nor on any lot opposite *Middle Island* more than 30 fathoms, nor to extend from *Middle Island* to the north side of the river more than 30 fathoms, nor from the upper end of *Middle Island* to lot No. 24 more than 60 fathoms, nor from lot No. 24 to lot No. 1 more than 50 fathoms nor from lot No. 1 to *Beaubert's point* more than 40 fathoms; and no Net to be set between the said point and *Tittle island*. With proviso.

VII. *And be it further enacted*, That no Net shall be set in either of the branches of the said river above *Beaubert's point*, more than one third part of the width of the river at low water on either side into the said river, provided that no Net to be set in either of the said branches shall exceed forty fathoms in length.

No Net to be set in either of the branches above *Beaubert's point* more than 1/3 of the width of the river at low water. Nor to exceed 40 fathoms in length.

VIII. *And be it further enacted*, That if any person or persons shall set or place, or cause to be set or placed, any Net in the said river *Miramichi* or its branches contrary to the true intent and meaning of this law, such offender and offenders, shall respectively forfeit and pay for the first offence the sum of ten pounds, for the second offence the sum of twenty pounds, and for the third and every subsequent offence the sum of fifty pounds, to be recovered by action of debt, bill, plaint, or information, in any Court of record in this Province, by any person who shall inform or sue for the same, together with costs, one half of such penalties and forfeitures to be to the use of the Poor of the Town or Parish where such offence shall be committed, and be paid into the hands of the Overseers of such Poor for that purpose, and the other half to the person who shall inform and sue for the same.

Any person setting or placing a Net in the river *Miramichi*, or its branches contrary to this law, to forfeit 10l. for the first offence, 20l. for the second, and 50l. for the third, and every subsequent offence—

to be recovered by action of debt, bill, plaint or information.

One half of the penalties to the use of the Poor, and the other half to the person informing.

Nothing in this act, or in the regulations to be made by virtue thereof to interfere with the rights of fishery already granted

IX. *Provided*, That nothing in this Act, or in the rules and regulations to be made by virtue thereof, shall extend, or be construed to extend to abridge, diminish, or interfere with the rights of Fishery, or the regulation thereof already granted to any person or persons whomsoever, any thing herein contained, to the contrary thereof notwithstanding.

This act to continue in force two years.

X. *And be it further enacted*, That this Act shall continue and be in force for the space of two years and no longer.

C A P. VII.

An ACT in ADDITION to an Act, intituled, "An Act for REGULATING PILOTS."

Preamble.

WHEREAS there are no Justices of the Common Pleas yet appointed for the County of *Northumberland*, and the act for regulating Pilots cannot therefore be carried into execution in that County,—and Whereas, it is expedient that some regulations should be made respecting Pilots in that County.

Until Justices of Common Pleas shall be appointed in the county of *Northumberland*, justices of the Peace in the said County may appoint and regulate Pilots.

*Be it Enacted, by the Lieutenant Governor, Council and Assembly*, That until Justices of the Common Pleas shall be appointed in the County of *Northumberland*, the Justices of the Peace in the said County shall be, and hereby are vested with the same powers and authorities within the said County, as by the said Act for regulating Pilots is therein given to the Justices of the Common Pleas, in their respective Counties.

C A P. VIII.

An ACT to EMPOWER the JUSTICES of the SESSIONS in SEVERAL Counties in this Province, to make such REGULATIONS respecting MARKETS and FERRIES within such Counties as may be found NECESSARY.

I. *BE it enacted, by the Lieutenant-Governor, Council, and Assembly*, That from and after the passing of this act the Justices of the General Sessions of the Peace for the several Counties