

tice, rendering the overplus if any, after deducting the costs and charges of the distress and sale to the offender; which penalty and forfeiture shall be to the use of the poor, and be paid into the hands of the overseers of the poor of the town or parish where such offence shall be committed and such offender or offenders shall be further liable to an action of trespass for any damages sustained thereby: *Provided always*, that if any gate or gates, erected by virtue or in pursuance of this act, shall not be kept in good order and sufficient repair by the proprietor or proprietors thereof at his or their own expence, that he or they shall not have any benefit or advantage from this act.

Penalties to be to the use of the poor—

the offenders liable to an action of trespass.

*And be it further enacted*, That this act shall continue, and be in force for two years and no longer.

Limitation of this act.

C A P. V.

An ACT to continue and amend an Act entitled “An Act for regulating the “FISHERIES in the different rivers, “coves and creeks, of this province.”

**B**E IT ENACTED *by the Lieutenant Governor Council and Assembly*, That the act made and passed in the twenty-eighth year of His Majesty's reign entitled “An Act for regulating the “Fisheries in the different rivers, coves, and creeks of this province,” except wherein it is altered and amended by this act, shall be and remain in full force until the first day of February, which will be in the year of our Lord one thousand seven hundred and ninety one.

The act “for regulating the “fisheries &c;” except as herein amended, to remain in force until the 1st of February 1791.

II. *And be it further enacted*, That no net shall be set or any seine drawn for the purpose of catching any fish, in any part of the river Saint John, or in any part of the River Kennebeckacis, or in any part of the River Miramichi, or in any of the branches of the said rivers or either of them, or in any part of the harbour of Saint John, more than five days in each week between the first day of April and the first day of August in each and every year, that is to say on Monday, Tuesday, Wednesday, Thursday and Friday in each week, and on no other days; and if any person or persons shall set any net, or draw any seine in the places herein

No net to be set in the river St. John, — Kennebeckacis, or Miramichi, or in any of their branches, or in the harbour of St. John, more than five days in each week between 1st April and 1st August.

Any person setting a net or

drawing a fine contrary to the intent of this act to forfeit ten pounds to be recovered in the same manner as the penalty of 10l. in the first section of the said act.

herein before mentioned, during the term before mentioned on any other days than the days above specified contrary to the true intent and meaning of this act, such offender or offenders shall for every offence forfeit and pay the sum of ten pounds, to be sued for and recovered in the same manner in the county of Northumberland, as well as in all other the counties in this province, as the penalty of ten pounds, mentioned in the first section of the said herein before recited act, can or may be sued for and recovered; and to be paid and applied; in like manner as the penalties in the same section are directed to be paid and applied any thing in the said herein before recited act, to the contrary notwithstanding.

Length and extent of nets in the harbour &c.

III. *And be it further enacted,* That no net shall be set in the River Saint John below the Boar's-Head, or in the Harbour of Saint John, more than twenty fathoms in length, or which shall extend into the water more than twenty-five fathoms from the water's edge, under the penalty of five pounds; to be sued for, recovered, and applied as aforesaid.

The 5th section of the said act repealed.

IV. *And be it further enacted,* That the fifth section of the said herein before recited act, be, and the same is hereby repealed.

The powers of the overseers to be appointed--to extend to the removal and forfeiture of the nets or seines set contrary to this act.

V. *And be it further enacted,* That the powers and authority of the overseers to be appointed by virtue of the said herein before recited act, and whom the Justices in their General Sessions held in each county are hereby required to appoint, shall extend and be applied to the removal and forfeiture of any nets or seines which shall be set contrary to the meaning of this act, in the same manner and in every respect, as they extend and can be applied to any net, hedge, or other incumbrance mentioned in the said herein before recited act: which overseers so appointed shall be entitled to demand and receive One Shilling, and no more, for each net to be set in the districts to which they shall be respectively appointed, from the proprietors of such nets, as a compensation for their trouble.

Overseers to receive 1s. for each net to be set.

The 9th section of the said recited act to extend to the regulations of this act.

VI. *And be it further enacted,* That the ninth section of the said herein before mentioned act of the last session, shall extend to the rules, regulations and amendments in this present act contained.

Limitation of this act.

VII. *And be it further enacted,* That this act shall continue and be in force until the first day of February which will be in the year of our Lord one thousand seven hundred and ninety one and no longer.