

C. A. P. XII.

An ACT to CONTINUE an Act, entitled  
 "An Act for laying an IMPOST."

**B**E IT ENACTED, by the Lieutenant Governor, Council and Assembly, That an act made and passed in the *twenty ninth* year of His present MAJESTY's reign, entitled "An Act for laying an Imposit" be and the same is hereby declared to be in full force until the *first* day of *April*, in this year of our LORD *one thousand seven hundred and ninety one*, any law to the contrary notwithstanding.

The Imposit Act continued for one month.

C. A. P. XIII.

An ACT for REGULATING the FISH-  
 ERIES 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, in such manner, as to obstruct, injure or hurt the natural course of the fish in any river or place where they usually go, such person or persons shall forfeit and pay the sum of *ten pounds* upon due conviction thereof, by the oath of one or more witness 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 offenders 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 of the poor. **PROVIDED ALWAYS,** That nothing herein before contained shall extend or be construed to extend, to prevent the erection

Any person setting up incumbrances or placing nets to obstruct the natural course of the fish,

to forfeit on conviction 10l. for the first,

20l. for the second,

and 50l. for every other offence.

Penalties how applied.

Provide.

of wears upon the flats between high and low water marks, or drawing seines upon the shores or setting nets under the regulations herein after mentioned, in any such rivers, coves or creeks.

Justices in the  
General Sessions  
to appoint Over-  
seers of Fisheries

II. *And be it further enacted*, That the Justices of the Peace in their General Sessions held in the several counties in this province, may and are hereby required to appoint one or more fit person or persons, inhabitants, not being employed as fishermen, to be Overseers of the Fisheries for each town or parish within their respective counties, 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 provisions of this act.

Powers of Over-  
seers.

Overseers to seize  
nets &c.

and sell them.

III. *And be it further enacted*, That if any net, hedge, wear, fish garth, sein or other incumbrance shall be found in any river, cove or creek in this province, contrary to the provisions of this act, and no owner shall appear to claim the same, it shall and may be lawful for such Overseers of the Fisheries, and they and each of them are hereby required respectively forthwith to seize the same, and if no owner shall appear to claim the same in *ten days*, such 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 respective penalties in this act mentioned and inflicted, and the overplus if any, shall be paid to the Overseers of the Poor for the use of the Poor of the town or parish where such offence shall be committed.

Fees of the Over-  
seers.

IV. *And be it further enacted*, That the said Overseers of the Fisheries shall be intitled 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.

Penalty of Over-  
seers neglecting  
their duty.

V. *And be it further enacted*, That if any such Overseer of the Fisheries shall at any time wilfully and knowingly delay, neglect, or refuse to perform the duty in and by this act enjoined, such offender shall forfeit and pay for every offence the sum of *five pounds* to be sued for, recovered and applied in the same manner as the penalty of *ten pounds* herein before mentioned can or may be sued for, recovered and applied.

Regulations re-  
specting nets in  
the river Saint  
John, Kenebe-  
ckacis and  
their branches,

VI. *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 Kenebeckacis 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 that no drag net or seine shall

shall be used in either of the same rivers or the branches thereof to sweep the same rivers or the branches thereof or either of them, more than *one fourth* part of the width of such river or branch: And 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 shall extend into the water more than *twenty five* fathoms from the water's edge: And that no net shall be set or remain in the water, nor any seine be drawn in any of the places in this clause mentioned between the time of sun set on Saturday night and sun rise on Monday morning between the *first* day of *April* and the *first* day of *August* in each and every year; under the penalty of *ten pounds* for each and every of the said offences to be sued for, recovered and applied in the manner herein last before mentioned.

below the Boar's Head and in the harbour of Saint John.

No net to remain in the water between Saturday night and Monday morning.

Penalty.

VII. *And be it further enacted*, That the Justices of the Peace in their General Sessions in the counties of Charlotte and Westmorland shall and may make such further rules and regulations for the fisheries in those counties as they shall think fit, P R O V I D E D the same be not contrary to, or inconsistent with the provisions herein before contained; and the Overseers of the Fisheries in those counties are hereby required to see that such rules and regulations so to be made are observed and enforced in the same manner and under the like penalties as any of the rules and regulations in this act are required to be observed and enforced.

Justices of the General Sessions in Charlotte and Westmorland to regulate their fisheries.

VIII. *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 *Miramichi* on either side thereof, between *Sheldrake Island* and lot number *fifty* inclusive, on the north side of the said river, now or late 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*. P R O V I D E D 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.

Regulations for the fishery in the river Miramichi.

Proviso.

Nets in Miramichi Bay not to exceed 100 fathoms.

IX. *And be it further enacted*, That no nets shall be set or seines drawn in *Miramichi Bay*, that is from *Bay du Vin Island* to point *Cheval* longer than *one hundred fathoms*.

Regulations for the branches of the river *Miramichi*.

X. *And be it further enacted*, That no net shall be set in either of the branches of the said river *Miramichi* 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.

Penalties,

how recovered

and applied.

XI. *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, or the Bay of *Miramichi* contrary to the true intent and meaning of this act, such offender or 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.

No Salmon to be taken or killed in *Miramichi* or *Restigouche* rivers after the 30th August.

Penalty of taking or purchasing.

XII. *And be it further enacted*, That no Salmon shall be taken or killed in any manner whatever, in the river *Miramichi* or in the river *Restigouche* or in any of the branches of the said rivers from the *thirtieth* day of *August* to the *first* day of *April* in every year, nor shall any person purchase any fish so killed or taken under the penalty of *five shillings* for each fish so killed, taken or purchased, to be recovered before any of His MAJESTY'S Justices of the Peace of the county of *Northumberland* to the uses aforesaid.

Proviso, not to interfere with the rights of fishery.

Proprietors of lands to have the exclusive right of fishery to low water mark.

XIII. 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. PROVIDED ALSO, *And be it further enacted*, That all and every of His MAJESTY'S Subjects owning or lawfully possessing lands, bounding on any river, cove or creek in this province shall have and be deemed to have the sole and exclusive right of taking fish on the shores thereof to low-water mark; and no person or persons whatever shall or may lawfully set or erect any net, wear or fish garth, or draw

draw any seine, on the said shores of such rivers, coves or creeks between high and low water marks, except the owner or owners, or lawful possessor or possessors thereof, or persons by virtue of their leave or license, any law, usage or custom to the contrary notwithstanding.

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

C A P. XIV.

## An Act for the SUPPORT and RELIEF of CONFINED DEBTORS.

I. **B**E IT ENACTED, *by the Lieutenant Governor, Council and Assembly*, That when ever any person, committed to any Goal in this province, for debt not exceeding *one hundred pounds* at the suit of any creditor, shall be incapable to provide or secure their necessary support, it shall be lawful for such debtor after *fourteen* days confinement, to make application to any Justice of the Court out of which the process issued, upon which such debtor shall be confined, for a weekly support or maintenance: And such Justice, after *fourteen* days previous notice to such creditor or his attorney, shall examine on oath such confined debtor or any witness produced, as to the ability of such debtor to support him or herself, and if on examination to be taken in writing on oath as aforesaid, which shall be filed in the office of the Clerk of the Court out of which such process issued as aforesaid, it shall appear to such Justice that such debtor is utterly unable to support him or herself, it shall and may be lawful for such Justice to make an order for such creditor to pay such debtor a weekly sum to be applied for the support of such debtor; which sum shall be paid weekly, and from the *first* day of *November* until the *last* day of *March* shall be *three shillings and six pence* per week, and the remainder of the year *two shillings and six pence* per week; And after such order it shall be the duty of such creditor to pay such weekly support, and in case of failure thereof it shall and may be lawful for any such Justice as aforesaid, on such failure being made known to him to make an order under his hand and seal to the Sheriff or Gaoler to discharge the said debtor out of confinement. P R O V I D E D, That nothing in this act shall prevent such creditor from prosecuting his suit (if on mesne process) to final judgment; or from taking out his *Fieri*

Persons committed to Goal for debt and being unable to support themselves

may apply for a weekly maintenance to a Justice of the Court from which process issued. Justice to examine debtors or witnesses

and order a weekly support to be paid such debtors by the creditors,

and in case of failure the debtor to be discharged.

Proviso.

F.

*Facias*