

Tuesday in April next, the election for supplying such vacancy shall be held and conducted in every respect as if this Act had not been passed.

Bye laws to be transmitted to the Lieutenant Governor for disallowance or confirmation.

38. Every Bye Law or Ordinance made by the Corporation shall be forthwith transmitted to the Lieutenant Governor, who by and with the advice of the Executive Council, shall within three months from the receipt thereof disallow or confirm the same, and all bye laws and ordinances shall be in force until such disallowance shall be transmitted to and received by the Common Clerk.

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CAP. XXXVIII.

An Act to amend an Act for the division of King's Ward, in the City of Saint John, into two separate Wards.

*Passed 3rd May 1853.*

Line dividing King's & Wellington Wards, altered. Cap. 11.

**B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the point described in the first section of an Act passed at the present Session of the Legislature, intituled *An Act for the division of King's Ward, in the City of Saint John, into two separate Wards*, shall be formed by lines drawn through the centre of King and Charlotte Streets in the said City, instead of Union Street, and a continuation of Charlotte Street, as described in the said Act; and the line running from said point shall run northwardly through the centre of Charlotte, Coburg and Garden Streets, to the City line, any thing in the said Act to be contrary notwithstanding.

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CAP. XXXIX.

An Act to revive and amend an Act to regulate the Herring Fishery in the Parishes of Grand Manan, West Isles, Campo Bello, Pennfield, and Saint George, in the County of Charlotte.

*Passed 3rd May 1853.*

Preamble.

**W**HEREAS great injury has been done to the Herring Fishery within the County of Charlotte by the erection of weirs, fishgarths, and other obstructions, and the placing and setting of seines and nets across the several Havens, Rivers, Creeks and Harbours therein;

Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, as follows:—

The placing of seines or nets restricted in certain places in the County of Charlotte.

1. No seine or net shall be set across the mouth of any haven, river, creek or harbour within the Parishes of Grand Manan, West Isles, Campo Bello, Pennfield, and Saint George, in the County of Charlotte, and no seine or net shall be set in any such haven, river, creek or harbour, which shall extend more than one third the distance across the same, or be within forty fathoms of each other, or which shall be set within twenty fathoms of the shore at low water mark of the same.

Penalty for offending, &c.

2. Any person offending against the preceding section, upon due conviction thereof, or by confession before one of Her Majesty's Justices of the Peace for the County of Charlotte, shall for the first offence forfeit the sum of five pounds, to be levied by warrant of distress and sale of the offender's goods; and for the second offence shall forfeit the sum of ten pounds, to be recovered with costs in an action of debt in any Court of Record in this Province; and for the third and any subsequent offence, shall forfeit the sum of fifteen pounds, to be recovered with costs in like manner; one half of such penalties, when recovered, to be paid to the Overseers of the Poor of the Parish where the offence was committed, for the use of the Poor, and the other half to the person who shall sue for the same.

Recovery and application.

3. Every fish weir in the Parishes before mentioned which is dry at low water, or which in the opinion of the Wardens of the Fisheries for the County of Charlotte requires the same, shall have a gate therein of such width and in such position as the said Wardens may determine; and the owner or occupier of any fish weir who shall neglect or refuse to place a gate therein according to the directions of the said Wardens, shall forfeit and pay the sum of five pounds for each day he shall so neglect and refuse after due notice.

Wardens may order gates to be made in weirs dry at low water.

4. The said Wardens and the Overseers of the Fisheries in the Parishes before mentioned, shall severally have power to seize and remove any net, hedge, weir, fishgarth, seine, or other obstruction, set or placed contrary to the provisions of this Act, and after five days notice may sell the same in some public place in the Parish where the seizure is made, together with any fish found therein; after deducting from the proceeds the charges of such seizure and sale, the residue shall be applied to the payment of any penalty incurred under this Act, and the overplus, if any, shall be paid to the Overseers of the Poor for the Parish where the offence was committed, for the use of the Poor thereof.

Authority to seize nets, weirs, &c., set contrary to this Act.

5. The said Wardens shall have power to mark out and designate in proper positions at the Island of Grand Manan and other fishing stations in this Province, if necessary, fit places for the deposit of fish offal, to be called "gurry grounds;" they shall post up notices in the said Island at the several School Houses, describing the limits and position of such "gurry grounds," and publish the like notice in the Royal Gazette; and if after the posting and publication of such notice, any person shall cast overboard from a boat or vessel the heads, bones or other offal of fish into the waters of or near the Island of Grand Manan, at any place except the said "gurry grounds," such person shall forfeit and pay a fine not exceeding five pounds nor less than ten shillings for each offence.

Gurry grounds to be marked out and limits published.

6. The penalties in the two preceding sections may be sued for and recovered by summary proceedings before one or more Justices of the Peace together with costs, and when recovered shall be paid over to the person who shall prosecute for the same.

Penalty for casting gurry at other places.

Recovery and application of penalties.

#### CAP. XL.

An Act to authorise and empower the Justices of the Peace of the County of York to raise by loan a sufficient sum of money to enable them to erect a new Court House in the said County.

*Passed 3rd May 1853.*

**WHEREAS** a new Court House is required in the County of York; and whereas it is expedient to authorise the Justices of the Peace for the said County to raise by loan a sum not exceeding three thousand pounds to be applied to the erection of such Court House;

Preamble.

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, as follows:—

1. That it shall and may be lawful for the Justices of the Peace for the said County, at any General or Special Sessions of the Peace to be holden for the said County, to raise by loan a sum of money not exceeding three thousand pounds, for the purpose of erecting a new Court House for the use of the said County, to be paid off and discharged in the manner hereinafter mentioned, the same to be taken on loans of not less than fifty pounds, and that Debentures in the following form, or to that effect, shall be prepared and delivered to the person or persons from whom such loan may be obtained, viz:—

Authority to raise by loan £3,000 to erect a Court House.