

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1786. Saint John, NB: J. Ryan, 1786.

26 George III – Chapter 31

An Act to prevent nuisances by Hedges, Wears, Seines, and other incumbrances obstructing the passage of Fish, in the Rivers, Coves and Creeks of this Province.

I. Be it enacted by the 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 incumbrances, or place any seine or seines, across any river, cove or creek in this province, otherwise than is herein after provided, such person or persons shall 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 where such offence shall be committed, forfeit and pay a sum not exceeding ten pounds, one half of which shall be to the informer and the other half for the poor of the town or parish where such offence shall be committed. Provided always, That the justices in their general quarter sessions held in each county shall and are hereby empowered and directed to allow such wears to be erected, or floating nets to be used in such manner as they may judge necessary, find liberty or toleration to be granted under such express restrictions as that the wears so allowed to be erected, or floating nets so to be used shall not obstruct, injure, or hurt the natural course of the fish into any river or place where they usually go.

II. And be it further enacted, That the justices in their sessions as aforesaid, may and are hereby empowered to appoint one or more fit persons to be overseers of the said fisheries 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 or seine shall together with the fish found therein be forfeited and sold by the said overseers to satisfy the penalties aforesaid, the overplus if any, to 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.

IV. And be it further enacted, That no net shall be set longer than thirty fathoms in the main river St. John, or extend more than thirty fathoms into the same river or the broad part of the Kennebeckacis [Kennebecasis] 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 letting 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 St. John shall and may make such rules and regulations for the fisheries from the mouth of the river St. 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. And the said justices shall and may affix such penalties as they shall think necessary for the carrying into execution, such rules and regulations so by them to be made, such penalties to be recovered in manner and to the uses aforesaid. 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 of the regulation thereof, given, and granted to the mayor, aldermen and commonalty of, or to the freemen and inhabitants of the city of St. John, or any or either of them in and by the charter of the said city, any thing herein contained to the contrary notwithstanding.

VI. And be it further enabled, That this act shall continue and be in force for two years from the publication thereof and no longer. And whereas there is no court of sessions at present establish'd in the county of Northumberland, Be it further enacted, That nothing in this act shall extend or be construed to extend to the said county of Northumberland.