

*Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1788.* Saint John, NB: J. Ryan, 1788.

28 George III – Chapter 6

**An Act for Regulating the Fisheries in the different Rivers, Coves, and Creeks of this Province.**

I. BE 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 let 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 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 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 of such Poor. Provided always, that the Justices in their General Sessions of the Peace held in each County, shall, and are hereby empowered and directed to allow such Hedges and Wean, 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 empowered 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 Justice, 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 [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 setting any net other wise 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 enabled, 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 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.

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 Beauhebert'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.

VII. And be it further enacted, That no net shall be set in either of the branches of the said river above Beauhebert'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.

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 Mirimachi 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.

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.

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