

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1799. Saint John: John Ryan, Printer to the King's Most Excellent Majesty, 1799.

39 George III – Chapter 5

An Act for regulating the Fisheries in the County of Northumberland. Passed the 8th February, 1799.

Whereas the Laws now in force for regulating the Fisheries in the County of Northumberland have been found inadequate to the purposes intended; for remedy whereof,

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That so much of an Act made and passed in the thirty-third year of His Majesty's Reign, intituled "an Act for regulating the Fisheries in the different Rivers, Coves and Creeks of this Province," as relates to the County of Northumberland, be, and the same is hereby repealed; and that from and after the passing of this act, the Fisheries in the said County of Northumberland, shall be regulated in the manner hereafter mentioned, that is to say, in the Bay and River Miramichi and its Branches: No Net whatever to be set off any part of Fox Island, Waltham, alias Portage Island, or any other Island, Middle Ground or Shoal in the said Bay, River and Branches, excepting as is herein after permitted. No Net to be set from Point Esquiminac to the western extremity of Huckleberry Island, to extend into the Bay more than one hundred fathoms from low water, and no Net to be set in the said space, but by the Acadian or other Inhabitants of Lower Bay du vin; from thence to the Lot formerly owned by Thomas Ian, now owned by Duncan Robertson; no Net to be set along the South shore, in the said space, to extend into the Bay more than two hundred fathoms from three feet water at low water; a base line to run from the said Lot to the Barn now owned by James Horton, Esq. in Bay du vin; no Net to extend into the Bay more than two hundred fathoms from the said line; from the said Barn to the Eastern line of the Lot lately owned by John Mark Crank Delesdernier; no Net to extend into the Bay more than two hundred fathoms; from thence to Point Aux Bar; no Net to extend into the Bay more than two hundred fathoms, from Point Aux Bar to the Lot owned by Alexander Wilson; no Net to extend into the Bay more than three hundred fathoms from low water; a base line to run from the said Alexander Wilson's Lot to Point Cheval; no Net to extend into the Bay more than three hundred fathoms from the said line; from Point Cheval to the upper extremity of the Sand-beach in Napan Bay; no Net to extend into the Bay more than two hundred and fifty fathoms from low water; no Net to be set off either side of Bay du vin Island, to extend into the Bay more than sixty eight fathoms from low water; a base line to run from the upper extremity of the said Sand-beach in Napan Bay to a Point commonly called Green Point, on the West side of a small Creek at the end of George Murdoch's Marsh; no Net to extend into the Bay more than two hundred fathoms from the said line, and no Net set from the said line to be nearer than one hundred fathoms to the said Green Point; from the said Green Point to within forty rods of the Fish-shed, formerly occupied by James Anderson; no Net to be set to extend into the Bay more than one hundred and fifty fathoms from low water; from thence to the lower extremity of East Point; no Net to be set to extend into the River more than eighty fathoms from low water; no Net to be set off East Point to extend into the River more than fifty fathoms from low water; no Net to be set off Sheldrake Island to extend into the River or Bay

more than sixty fathoms from low water; no Net to be set off Hay Island opposite Neguac to extend into the Bay more than twenty fathoms from low water; from thence to Lot No. 81, owned by James Fraser, Esq. inclusive; no Net to extend into the Bay more than three hundred fathoms from low water, and no Net to be set in the said space to be more than two hundred fathoms in length; from thence to Lot No. 76, owned by James Thom, inclusive; no Net to extend into the Bay more than two hundred and eight fathoms from low water; a base line to run from low water on Lot No. 76, to the first Point above the House owned by John English, opposite to the lower end of Sheldrake Island; no Net to extend into the Bay more than two hundred and fifty fathoms from the said line; from thence to the lower line of Lot No. 71; no Net to extend into the Bay more than two hundred fathoms from low water; no Net to be set in front of Lot No. 71, to extend into the River more than seventy fathoms from low water; a base line to commence at the upper line of Lot No. 71, or Moody's Point, at low water mark, and end at low water mark on Lot No. 69, from thence to continue to low water mark on Lot No. 66; no Net to extend into the River more than sixty-five fathoms from the said line; no Net to be set in front of the Lots, No. 65 and 66, to extend into the River more than sixty-five fathoms from low water; no Net to be set in front of the Lots, No. 64 and 63, to extend into the River more than seventy fathoms from low water; no Net to be set in front of Lot No. 62, to extend into the River more than sixty-five fathoms from low water; no Net to be set in front of Lot No. 61, to extend into the River more than forty-five fathoms from low water, from Lot No. 61 to Lot No. 57, inclusive; no Net to extend into the River more than sixty-five fathoms from low water; no Net to be set in front of the Lots, No. 56, No. 55. and No. 54, to be longer than sixty-five fathoms, beyond forty fathoms from low water; no Net to be set in front of the Lots, No. 53, No. 52, and No. 51, to be longer than sixty-five fathoms, beyond fifty fathoms from low water; no Net to be set in front of Lot No. 50, to extend into the River more than sixty-five fathoms from low water; from thence to Lot No. 39, inclusive; no Net to be set to extend into the River more than thirty-seven fathoms from low water; no Net to be set in front of Lot No. 38, to extend into the River more than fifty fathoms from low water; no Nets to be set in front of Lots, No. 37, No. 36, No; 35, and No. 34, to extend into the River more than sixty-eight fathoms from low water; from thence to Delesdernier's Saw-Mill Cove, inclusive; no Net to extend into the River more than seventy fathoms from low water; from thence to Lot No. 14, inclusive; no Net to extend into the River more than fifty fathoms from low water; from thence to Lot No. 5, inclusive; no Net to extend into the River more than forty-two fathoms from low water; from thence to Lot No. 1, inclusive; no Net to extend into the River more than fifty-five fathoms from low water; from thence along the North shore to the Cove below James Oxford's House on the North West Branch; no Net to extend more than thirty fathoms from low water; from thence to the Saw-Mill Cove, inclusive; no net to be set to extend into the River more than forty fathoms from low water, excepting in front of the Lots now occupied by James Oxford, Duncan Mac Intyre and George Hubbard, where the Nets shall not extend into the River more than twenty fathoms, from one foot water, at low water; from the said Saw-Mill Cove, to the Cove below Barr's Point; no Net to extend into the River more than eighty fathoms from low water; from thence to the upper Bass Fishery; no Net to extend into the River more than forty fathoms from low water; from thence to Barnet's Point; no Net to extend into the River more than sixty fathoms from low water, excepting in front of the Lots occupied by George Urquhart and Thomas Wright, where no Net shall extend into the River more than eighty fathoms from low water; from thence to the Lot claimed by John Stewart, on the North side, opposite to the Lot occupied by him on the South side; no Net to

extend into the River more than forty fathoms from low water; no Net to be set in front of the Lot owned and occupied by John Stewart on the South side, nor along the South or Western shore, downwards to Beauhebert's Point, inclusive, to extend into the River more than forty fathoms from low water; a base line to run from East Point to West Point; no Net to extend into the River more than fifty fathoms from the said line; from low water mark at West Point; a base line to run to low watermark at the lower Point of Lot No. 9; no Net to extend into the River more than sixty-five fathoms from the said line; from the said Point of Lot No. 9 to Terril's Point; no Net to extend into the River more than sixty-five fathoms from low water, excepting in front of Lots No. 18 and No. 19, where the Nets are to extend sixty-five fathoms beyond twenty fathoms at low water; no Net to be set off Terril's Point to extend into the River more than forty fathoms from low water; a base line to run from Terril's Point to the lower end of Middle Island; no Net to be set to extend into the River more than forty-eight fathoms from the said line; no Net to be set from Middle Island towards the North shore to extend into the River more than fifty fathoms from low water; no Net whatever to be set from Middle Island towards the South shore; no Net to be set from the South shore opposite to the upper end of Middle Island, to Alexander Gunn's lower Lot, inclusive, to extend into the River more than fifty-two fathoms from low water, excepting in front of the Lots No. 28 and No. 29, which shall not exceed sixty fathoms from low water, and in front of Lot No. 32 no Net to extend into the River more than thirty-eight fathoms from low water; no Net to be set in front of Lot No. 33 to extend into the River more than fifty-five fathoms from low water; no Net to be set in front of the Lots No. 50, No. 51, No. 52, No. 53 and No. 54, inclusive, to extend into the River more than sixty fathoms from low water; from thence to Lot No. 58, inclusive; no Net to extend into the River more than sixty fathoms from low water; no Net to be set in front of the Lots No. 59, No. 60, and No. 61, to extend into the River more than fifty fathoms from low water; from thence to the Lot No. 41, in the grant to the late William Davidson, Esq.; no Net to extend into the River more than forty fathoms from low water; no Net to be set in front of the Lot lately occupied by Joel Spencer Turner, to extend into the River more than seventy fathoms from low water; no Net to be set from Beauhebert's Island, to extend into the River more than thirty fathoms from low water; no Net whatever to be set in the Tickle between Beauhebert's Island and Beauhebert's Point, and no Net whatever to be set in front of the Burying Ground on Beauhebert's Point; no Net to be set from either side of the South West Branch from Beauhebert's Point on the Western shore, and Joel Spencer Turner's Lot on the Eastern shore to the Elm Tree, inclusive, to extend into the River more than forty fathoms from low water; no Net to be set between the extremity of Barnaby's Island and the Lot owned by William Gillice on the North shore, to extend into the River more than thirty fathoms from low water; from the Elm Tree to the Nashwaack [Nashwaak] Portage; no Net to be set from either side to extend more than one third part across the said Branch—Provided always, and it is hereby declared that no Net to be set in either of the Branches by virtue of this Act, shall extend more than one third part across such Branch, any thing herein before contained to the contrary notwithstanding, and that no Net shall at any time be set or remain in the water, or any Seine be drawn, or any Salmon speared in any part of the Bay and River Miramichi and its Branches between Sunset on Saturday night and Sunrise on Monday morning; and that this clause shall extend to the Cross-Net claimed by the Heirs of the late William Davidson, Esq. at the Elm Tree in the South West Branch of Miramichi River aforesaid; no Nets whatever to be set inside of any base lines allowed in the Bay, River and Branches, excepting in front of the Lot owned by Robert England in Nassau Bay, where the Net may extend into the Bay

in front of the said Lot two hundred fathoms from low water, and in front of the Lot owned by Richard Home in the said Nassau Bay, where the Net may extend two hundred fathoms from low water—Provided no part of the said quantity of Net is set out side of the said line; no Net to be set off vacant Lands in the Bay, River or Branches below the upper settlement on the South West Branch, to extend from either shore more than five fathoms from low water, until the said Lands are allotted by Government or occupied by Permanent Settlers.

II. And be it further enacted, That if any person or persons, from and after the passing of this Act, shall presume to erect or set up any Hedge, Wear, Fish-garth, or other incumbrance, or place any Seine of Seines, Net or Nets, in the Bay or River Miramichi, or its Branches, except as is herein before provided for, such person or persons so offending, shall forfeit and pay the sum of ten pounds, upon due conviction thereof by the oath of one or more credible witness or witnesses, before any two of His Majesty's Justices of the Peace for the County of Northumberland, to be levied by Warrant of Distress and Sale of the Offender's Goods and Chattels, 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 Town or Parish where such offence shall be committed, to be applied to the use of the Poor.

III. And be it further enacted, That the Justices of the Peace in the said County of Northumberland in their General Sessions, may, and are hereby required to appoint one or more fit person or persons to be Overseers of the Fisheries for each Town, Parish or District, 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.

IV. And be it further enacted, That if any Net, Hedges Wear, Fish-garth, or other Incumbrance, or any Drift-Net shall be found in any River, Cove, or Creek, contrary to the provisions of this Act, 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 within 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.

V. 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 set of Nets to be set in the District to which they shall be respectively appointed from the proprietors of such Nets as a compensation for their trouble.

VI. 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 or applied.

VII. And be it farther enacted, That if any Overseer shall so neglect to perform the duty in and by this Act enjoined, it shall and may be lawful for any person or persons to apply to the Sheriff, his Deputy, or any Constable, who are hereby authorised and required to take up and remove any such Incumbrance forthwith; and if no person or persons appear to claim the same within ten days, the said Net or Nets so taken up and removed as aforesaid, shall be considered the one moiety as the property of the person or persons so complaining, and the other moiety as the property of the Sheriff, his Deputy, or any Constable who may take up and remove the same.

VIII. 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, for the County of Northumberland, for the uses aforesaid.

IX. And be it further enacted, That the Justices of the Peace in the said County of Northumberland, in their General Sessions, shall and may make such Rules and Regulations for the Fisheries in all other Rivers, Coves and Creeks within the said County, not herein and hereby regulated, as they shall think fit—Provided the same Regulations, so to be made, be not contrary to, nor inconsistent with the provisions herein before contained; and the Overseers of the Fisheries, to be appointed in pursuance of this Act, are hereby required to see that such Rules and Regulations so to be made are observed and enforced in the same manner as any of the Rules and Regulations in this Act are required to be observed and enforced under such penalties, not exceeding ten pounds, as they the said Justices in their discretion shall think fit.

X. And be it further enacted, That this Act shall continue and be in force Seven Years, and no longer.