

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1819. Fredericton, NB: George K. Lugin, Printer to the King's Most Excellent Majesty, 1819.

59 George III – Chapter 16

An Act to regulate the Herring Fisheries in the Parishes of West-Isles, Campo-Bello [Campobello], Pennfield, and Saint George, in the County of Charlotte. Passed the 24th of March, 1819.

Whereas the Herring Fishery in the Parishes of West-Isles, Campo-Bello, Pennfield, and Saint George, has during the two last Seasons been very much injured, by the injudicious and wanton placing of Seines and Nets in and across the several havens, rivers, creeks, and harbours therein, where those fish usually resort at their season of spawning, and also by the improper and injudicious mode of erecting Wears, Fish-Garths, and other obstructions whereby the young fry are destroyed, to the manifest injury of individuals and of the community at large. For remedy whereof,

I. Be it enacted by the Lieutenant-Governor, Council, and Assembly, That no sein or seines, net or nets, shall be set across the mouth of any haven, river, creek or harbour, in the Parishes of West-Isles, Campo-Bello, Pennfield, or Saint George, aforesaid, and that no seine or net shall be set in any of the said havens, rivers, creeks or harbours, which shall extend more than one-third of the distance across the same, or be within forty fathom distance of each other, or which shall be set within twenty fathom of the shore, at low water mark of the same; and any person or persons who shall set a seine or seines, net or nets, across the mouth of any haven, river, creek or harbour aforesaid, or shall set such seines or nets within the same, contrary to the provisions of this Act, 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 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, after deducting costs and charges, 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 Overseers of the Poor of the Town or Parish where such offence shall be committed, to be applied to the use of the Poor, and the other half to the Informer.

II. And be it further enacted, that all wears or fish-garths, now built, or hereafter to be built in any of the havens, rivers, creeks or harbours before mentioned, shall have a space of forty feet wide left open in the centre, or where the water is deepest, at said wear or fish-garth, for the ingress and egress of the fish, except at such time or times when the said wear or fish-garth shall be attended by the owner or occupier, or some other competent, person, when it shall and may be lawful to stop the said space with a net, for the purpose of taking such fish as the owner, occupier, or other person attending the same may be prepared to cure, use for bait, or take care of in any other manner; and any person erecting, owning, or occupying any such wear or fish-

garth, contrary to this Act, shall forfeit and pay the sum of ten pounds, to be recovered before any two of His Majesty's Justices in the County where such offender may reside, and applied as specified in the first section of this Act.

III. And be it further enacted, that the Justices of the Peace for the County of Charlotte, in their General Sessions, may, and are hereby required to appoint two or more fit persons in each Parish herein before described, to be Overseers of the herring fisheries in the said Parish, 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 incumbrances that shall be found in any haven, river, creek or harbour, in their respective Parishes, contrary to the provisions of this Act.

IV. And be it further enacted, that if any net, hedge, wear, fish-garth, seine, or other incumbrance, shall be found in any haven, river, creek or harbour, as herein before mentioned, 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 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.

V. And be it further enacted, that the said Overseers of the Fisheries shall be entitled to demand and receive two shillings and six-pence, and no more, for each net to beset in the districts 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 be sworn forthwith, to the faithful discharge of his duty, or after being so sworn shall 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.

VII. And be it further 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 any Sheriff or Constable, who are hereby authorised and required to take up and remove any such incumbrances 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 or Constable who may take up and remove the said nets or other incumbrances.

VIII. And be it further enacted, that this Act shall continue and be in force for three years, and thence to the end of the then next Session of the General Assembly.