

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1827. Fredericton, NB: George K. Lugin, Printer to the King's Most Excellent Majesty, 1827.

8 George IV – Chapter 11

An Act to regulate the Herring Fishery in the Parishes of Grand Manan, West Isles, Campo-Bello [Campobello], Pennfield, and Saint George, in the County of Charlotte, and to provide for the inspection of Smokes Herrings in the said Parishes. Passed the 19th March 1827.

Whereas great injury has been done to the Herring Fishery within the County of Charlotte, by the erection of Wears, Fish-garths and other obstructions, and the placing and setting of Seines and Nets across the several Havens, Rivers, Creeks, and Harbours therein,

I. Be it therefore enacted by the Lieutenant-Governor, Council and Assembly, That no Seine or Seines, Net or Nets, 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 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 fathoms of each other; or which shall be set within twenty fathoms 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, contrary to the provisions of this Act, shall forfeit and pay the sum of five pounds, upon due conviction thereof, by the oath of one or more credible witness or witnesses, or confession of the party, before any one of His Majesty's Justices of the Peace for the said County, 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 ten 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 twenty-five pounds for the third and every subsequent offence, to be recovered with Costs in the manner last mentioned; one half of which penalties shall 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 such Poor, and the other half to the Person who shall inform and sue for the same.

II. And be it further enacted, That all Wears, or Fish-garths, now built or placed, or which shall at any time hereafter be built or placed 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 for the ingress and egress of the Fish, except at such time or times, as the owner or occupier, or some other competent Person shall attend at the said Wear, or Fish-garth, 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 way; 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 of the Peace for the said County, 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 said County, in their General Sessions, may and are hereby required, to appoint two of more fit persons in each of the before mentioned Parishes, to be Overseers of the 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 obstructions which 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 obstructions, shall be found in any of the Havens, Rivers, Creeks or Harbours before mentioned, set, erected, or placed 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 five days, such Net, Seine or fish-garth, shall, together with the Fish, if any found therein, be forfeited, and publicly sold by the said Overseer; such Overseer having first advertised the time and place of such Sale in some Public place in the Town or Parish where the Seizure may have been made, at least five days, and the proceeds thereof after deducting the Costs and Charges of such Seizure and Sale, be applied to satisfy the respective penalties by this Act imposed, 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.

V. And be it further enacted, That the said Overseers of the Fisheries shall be intitled to demand and receive two shillings and six pence, and no more for each Net to be set in the Districts for which they shall be respectively appointed, from the proprietor 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 five 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 Constable of the Parish, who is hereby authorized and required to take up and remove any such obstructions or incumbrances forthwith, and to proceed thereupon in the same manner, as such Overseer is directed by the Fourth Section of this Act; which Constable shall in such case be intitled to the moiety of the penalty by this Act imposed.

VIII. And be it further enacted, That from and after the first day of July next, all Smoked Herrings packed within the said Parishes, for exportation or home consumption, shall be well cured and smoked, and not less than six inches in length, and shall be put up in Boxes, the dimensions of which in the inside shall not be less than the following, namely, eighteen inches long, nine inches wide, and seven inches deep; and that all such Boxes of Smoked Herrings before being exported or offered or exposed for Sale, shall be inspected for that purpose, for each and every of the said

Parishes by the Justices at any General Sessions of the Peace for the said County; and that every such Inspector shall mark every Box of Smoked Herrings which he shall inspect, and find Merchantable, and of the proper dimensions, with a brand consisting of the Initial letters of such Inspector's name; and that no Box of Herrings shall be offered or exposed for sale, exported or shipped for exportation unless duly inspected and marked in the manner directed by this Act, upon pain of forfeiture thereof; and if any Boxes of Herrings are offered or exposed for sale or shipped for exportation contrary to the provisions of this Act, it shall be the duty of the said Inspectors or any of them to seize and secure the same; and after advertising the same, together with the time and place of such intended Sale, in some Public place in the Town or Parish where the seizure shall be made, for at least ten days, to sell the same by Public Auction to the highest Bidder, and the proceeds thereof, after deducting the necessary expenses of making such seizure and sale, shall be paid, one half to the said Inspector who shall seize the same, and the other half to the Overseers of the Poor of the said Parish for the use of the Poor thereof.

IX. And be it further enacted, That the said Inspectors shall be intitled to receive one penny for each and every Box of Smoked Herrings which shall be inspected and branded by him; and also at the rate of five shillings per day during the time they are employed in attending to the said Inspection, the same to be paid by the person or persons requiring such inspection.

X. And be it further enacted, That if any Smoked Herrings, shipped contrary to the provisions of this Act, shall be carried or removed from the County aforesaid, so that the same cannot be seized as before directed, that then the person or persons removing or carrying away such Smoked Herrings, shall forfeit and pay the sum of One Shilling and Six pence for every Box of Smoked Herrings so shipped or sold contrary to the provisions of this Act, upon due conviction thereof, before any one of His Majesty's Justice of the Peace in and for the said County, upon the Oath of one or more credible witness or witnesses, or confession of the Party, to be levied by warrant of distress and sale of the offender's Goods and Chattles, and such penalty when recovered to be applied in the following manner, that is to say: — one half thereof to be paid to the person who shall inform and prosecute for the same, and the other half to be paid to the Overseers of the Poor in and for the Parish where such offence shall be committed, for the use of the Poor of such Parish.

XI. And be it further enacted, That if any Inspector to be appointed in pursuance of this Act, shall be guilty of any neglect or wilful default in the performance of his duty, he shall forfeit and pay the sum of Five Pounds, to be recovered, levied and applied in the manner directed in and by the sixth Section of this Act.

XII. And be it further enacted, That this Act shall continue and be in force until the first day of April one thousand eight hundred and thirty-two.