

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1833. Fredericton, NB: John Simpson, Printer to the King's Most Excellent Majesty, 1833.

3 William IV – Chapter 27

An Act for regulating the Salmon Fisheries in the County of Gloucester. Passed 19th March 1833.

Whereas the Laws now in Force for regulating Fisheries have been found insufficient for the Protection of the Fisheries in the County of Gloucester; for Remedy whereof,

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Thirty third Year of the Reign of His late Majesty King George the Third, intituled *An Act for regulating the Fisheries in the different Rivers, Coves and Creeks of this Province*; and also another Act made and passed in the Thirty fourth Year of the same Reign, intituled *An Act to explain and amend An Act intituled An Act for regulating the Fisheries in the different Rivers, Coves and Creeks of this Province*; and also another Act made and passed in the Thirty ninth Year of the same Reign, intituled *An Act for regulating the Fisheries in the County of Northumberland*; and also an Act made and passed in the Fiftieth Year of the same Reign, intituled *An Act for the further Regulation of the Fisheries, and for preventing their Decay*; and also another Act made and passed in the Sixtieth Year of the same Reign, intituled *An Act to prevent the taking of Fish in the different Harbours and Rivers of this Province with Drift Nets*, so far as the said several Acts relate to that Part of this Province now known as the County of Gloucester; and also an Act made and passed in the First Year of His present Majesty's Reign, intituled *An Act to authorise the Justices of the Peace of the County of Gloucester to make Rules and Regulations respecting the taking of Fish in the different Harbours, Rivers and Creeks in the said County*, be and the same are hereby repealed.

II. And be it further enacted, That from and after the passing of this Act, if any Person or Persons shall presume to erect or set up any Hedge, Wear, Fish Garth, Net or other Incumbrance in any of the Rivers, Coves or Creeks of the said County of Gloucester, contrary to the Provisions of this Act, or of any Rules and Regulations to be made under the Authority herein after given, or shall place any Seine or Seines, Net or Nets, or other Device, across any River, Cove or Creek in the said County, in such Manner as to obstruct or injure the natural Course of Salmon in any River or Place where they usually go, such Person or Persons 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 of the said County, to be levied with Costs 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; which Penalties, on Conviction, shall be paid, One Half to the County Treasurer, for the Use of the said County, and the other Half to the Informer.

III. And be it further enacted, That from and after the passing of this Act, no Person or Persons shall use any Drift Net or Nets, Seine or Seines, for the taking of any Fish by drifting or sweeping in

any of the Harbours, Creeks, Coves or Rivers of the said County of Gloucester, or at the Entrance of any of the said Harbours, Creeks, Coves or Rivers; and any Person so using, or being directly or indirectly concerned in using, any such Drift Net or Nets, Seine or Seines, for the Purposes aforesaid, shall for each and every Offence 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 of the said County, to be levied with Costs by Warrantor Distress and Sale of the Offender or Offenders' Goods and Chattels, rendering the Overplus (if any) to such Offender or Offenders; and if on the Trial of the said Offence it shall be proved to the Satisfaction of the said Two Justices, that the said Offender or Offenders is or are not possessed of sufficient Goods and Chattels whereon to levy the said Penalty, and if the said Offender or Offenders on Conviction shall not forthwith pay the same to the Satisfaction of the said Two Justices, then and in such Case it shall and may be lawful for the said Two Justices, and they are hereby directed and empowered, by Mittimus under their Hands and Seals, to commit the said Offender or Offenders to close Confinement in the common Gaol of the said County, or some lawfully established Lock-up-house in the said County, there to remain without Bail or Mainprize, for a Period not less than Ten Days, nor more than Forty Days, unless the said Penalty and Costs shall be sooner paid; which Penalty when received shall be paid, One Half to the County Treasurer for the Use of the said County, and the other Half to the Informer.

IV. And be it further enacted, That no fishing Stand between Bonne Amie Rocks [Bon-Amie Rock, La roche Bon-Amie] and the First Island above Old Church Point, in the Ristigouche River [Restigouche], shall exceed One hundred and fifty Fathoms of Bar Net, or Twenty Fathoms of Swing Net, and that Fifty Fathoms of Channel shall be left open and unincumbered; and that at and above the said First Island, One Third of the said River shall be left open and unincumbered, which open or unincumbered Spaces shall in all Cases include the main Channel; and that no fishing Stand in Eel River, in the said County, shall exceed Two hundred Fathoms of Bar Net, or Twenty Fathoms of Swing Net; and if any Net or the Pickets for the same, shall be set or put up to extend into either of the said Rivers farther than is hereby directed, the Owner or Owners thereof shall forfeit and pay the sum of Five Pounds for every Day the same may remain so set up; which Fine shall be sued for, levied and appropriated in like Manner as is provided for in the Second Section of this Act.

V. And be it further enacted, That, no Net shall be allowed to remain set, in any of the Rivers, Coves, Creeks or Harbours of the said County, after the Twentieth Day of July in each and every Year, under a Penalty on the Owner or Owners of such Nets of Ten Pounds for each Day the same may be allowed to remain set after that Time; which Penalty shall be sued for, recovered and applied as is directed in and by the Second Section of this Act.

VI. And be it further enacted, That no Person or Persons whosoever shall spear or kill Salmon in the River Ristigouche [Restigouche], or any of its Branches or in Eel River, by any Device or under any Pretence, after the Fifteenth Day of August in each and every Year, under a Penalty of Five Pounds for each and every Salmon so taken; which Penalty shall be recovered with Costs, by the Oath of One or more credible Witness or Witnesses, before any One of His Majesty's Justices of the Peace of the said County, to be levied by Warrant of Distress and Sale of the Offender's Goods

and Chattels, rendering the Overplus (if any) to such Offender or Offenders; and if on the Trial of such Complaint it shall appear, to the Satisfaction of such Justice, that the Person or Persons convicted of the said Offence is or are unable to pay the said Penalty, it shall and may be lawful for the said Justice to commit the said Person or Persons to close Confinement in the common Gaol of the said County, or some legally authorized Lock-up-house, there to remain for a Space of Time not less than Five Days nor more than Twenty Days, unless the said Penalty shall be sooner paid; and the said Penalty when received shall be paid over, One Half to the Informer or Informers, and the other Half to the County Treasurer, for the Use of the County.

VII. And be it further enacted, That no fishing Stand in any of the Rivers, Coves, Creeks or Harbours within the said County, shall be fished at any Time between Sunset on Saturdays and Sunrise on Mondays, under a Penalty of Five Pounds; and all Salmon Pickets shall be drawn or removed previous to the First Day of August in each and every Year, under the like Penalty of Five Pounds; which Penalty shall be recovered, levied and appropriated in like Manner as is provided in and by the Second Section of this Act.

VIII. And be it further enacted, That His Majesty's Justices of the Peace of the said County of Gloucester, at their General Sessions, shall and may make such Rules and Regulations for the further Protection of the Fisheries, as well of Salmon as of other Fish, in all River, Coves, Creeks and Harbours in the said County, and shall direct and establish Places in the several Rivers, Coves, Creeks and Harbours in the said County at which Nets for the taking of Salmon shall and may be set up, and also shall regulate the Length of such Nets; and they are hereby authorized and empowered to enforce due Obedience to such Rules and Regulations by the Imposition of such Fine, not to exceed Ten Pounds for each Offence or such Imprisonment not exceeding Twenty Days, as they in their Discretion may see fit: Provided that the said Rules and Regulations so to be made be not contrary to or inconsistent with the Provisions of this Act.

IX. And be it further enacted, That the said Justices of the Peace of the said County in their General Sessions may, and they are hereby authorized and required to appoint One or more fit and proper Person or Persons to be Overseers of the Fisheries for each Town, Parish or District in the said County; and such Overseer or Overseers, within Ten Days after his or their Appointment, shall go before the nearest Magistrate and be sworn faithfully to perform the several Duties of the said Office.

X. And be it further enacted, That it shall be the Duty of the said Overseers respectively to furnish themselves with Copies of this Act, and of the Rules and Regulations of the said Justices to be made under the Authority hereof, and immediately on the Commencement of the Fishing Season in each and every Year, and as often as they or any of them shall deem necessary, or upon Information to be to them or any of them given, to examine the several Rivers, Coves and Creeks in their respective Towns, Parishes or Districts, and if they or any of them shall discover that any of the Provisions of this Act, or of any of the Rules and Regulations to be made by Authority hereof, has been in any Wise contravened, it shall and may be lawful for the said Overseer or Overseers and they are hereby required to take such Pleasures for immediately preventing the same, and

prosecuting the Offender and Offenders to Conviction, as the said Overseer or Overseers shall deem necessary.

XI. And be it further enacted, That if any Person or Persons hereafter nominated Overseer or Overseers of the Fisheries in the said County, shall refuse to serve, or having taken upon himself or themselves the said Office of Overseer or Overseers of the Fisheries shall wilfully or knowingly delay, neglect or refuse to perform the Duty by this Act, or by any Rules and Regulations to be made under the Authority hereof, enjoined and required, he or they shall forfeit and pay the Sum of Ten Pounds, to be sued for, recovered and applied in the same Manner as is provided for in and by the Second Section of this Act.

XII. And be it further enacted, That if any Person or Persons so to be appointed shall refuse to act, or shall die, or leave the said County, it shall and may be lawful for the said Justices or any Two of them to appoint any other Persons *pro Tempore*, to be entitled to the same Immunities, and subject to the same Liabilities, and to act in all Respects as Overseer or Overseers of the Fisheries until the next General Sessions of the Peace of the said County, at which the Justices shall take the said Appointment or Appointments into Consideration, and confirm or annul the same, as they or a Majority of them shall see fit.

XIII. And be it further enacted, That the said Overseers of the Fisheries, at every General Session of the Peace to be holden for the said County, shall exhibit to the Court their respective Accounts of Costs and Charges by them or any of them incurred in the Performance of the several Duties hereby imposed upon them, and shall give Credit for such Monies as they or any of them shall have received on the Conviction of any Offender or Offenders under the Provisions of this Act; and if it shall appear to the Satisfaction of the said Justices, or of a Majority of them, that such Overseer or Overseers is or are entitled to any further Remuneration, it shall and may be lawful for the said Justices or a Majority of them to order the same to be paid out of the County Treasury.

XIV. And be it further enacted, That all rules and Regulations respecting Fisheries in the several Creeks, Coves, Rivers and Harbours of the said County, made by the Justices, and now in Operation, by virtue of any Law of this Province, shall be and remain in full Force and Effect until further and other Rules and Regulations shall be made by the said Justices or a Majority of them under the Authority to them given by this Act, any Thing in this Act to the contrary thereof notwithstanding.

XV. And be it further enacted, That this Act shall be in Force and continue for Two Years and no longer.