

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1837. Fredericton, NB: John Simpson, Printer to the King's Most Excellent Majesty, 1837.

7 William IV – Chapter 23 (Session 1)

An Act in addition to the laws now in force for the protection of the Fisheries in the Counties of Northumberland, Kent and Gloucester. Passed 1st March 1837.

'Whereas the erection of brush and wooden wears [weirs] or traps in the place of nets in the River Miramichi and its branches, and in the other navigable Rivers on the Gulf of Saint Lawrence, has a tendency very seriously to injure the fisheries in the Counties of Northumberland, Kent and Gloucester;'

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That no person or persons shall after the passing of this Act, under any pretence whatsoever, erect, build, make or set up, or make use of in the said River Miramichi and its branches, or in any of the navigable Rivers on the Gulf of Saint Lawrence, within the limits of any of the said Counties, any brush or wooden wear or wears, trap or traps for the purposes of taking gaspereaux, salmon, shad, bass, or other fish, under a penalty of not less than five pounds nor more than thirty pounds, for each and every breach of this law, to be recovered at the suit of the party prosecuting for the same, with costs of suit, before any two of His Majesty's Justices of the Peace of the County in which the offence shall be committed, on the oath of one or more credible witness or witnesses, and to be levied by warrant of distress and sale of the offender or offenders goods and chattels, rendering to him or them the overplus (if any) after deducting the costs and charges of prosecution and of the levying and sale of the said goods, and if no goods and chattels can be found whereon to levy the same, then the offender to be committed by the warrant of such Justice to the common gaol of the County in which the offence shall be committed, there to remain for any time not exceeding thirty days, unless the amount of the penalty and costs awarded by such Justices shall be sooner paid; and such penalty when recovered shall be paid, one half into the hands of the overseers of the poor of the Parish where the offence shall be committed and the other half to the person or persons who shall prosecute for the same.

II. And be it enacted, That in all cases where any fish wear or wears, trap or traps shall be erected in any of the rivers or the branches thereof within the limits of any of the said Counties, contrary to the provisions of this Act, it shall be the duty of the overseers of the fisheries of the Parish in which such wear or wears, trap or traps, shall be so erected, and another person or persons are hereby fully authorized and empowered immediately or at any time thereafter to pull down, remove and destroy such wear or wears, trap or traps.

III. And be it enacted, That this Act shall continue and be in force until the first day of March which will be in the year of our Lord one thousand eight hundred and forty.