

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1851.* Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1851.

14 Victoria – Chapter 31

**An Act for the protection and regulation of the Sea and River Fisheries of this Province. Passed 30th April 1851.**

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That no Salmon shall be taken in any manner whatever on the Coasts of this Province, or in any of the Bays, Rivers or Harbours of the same, where the Tide ebbs and flows, after the thirty first day of August in any year, nor shall any Salmon be taken by any device whatever in any of the fresh water Rivers or Streams of this Province after the said thirty first day of August in any year, under the penalty of ten shillings for each and every Salmon taken in any year after the several days mentioned and before the first day of April in the succeeding year.

II. And be it enacted, That whoever shall take any Salmon in this Province after sunset on Saturday night, and before sunrise on Monday morning, shall for each and every Salmon so taken, forfeit and pay the sum of ten shillings.

III. And be it enacted, That whoever shall take any Salmon by spearing either in the day time or by spearing with torch light, at any time between the thirty first day of August and the first day of April, or in any place, shall forfeit and pay for every Salmon so taken the sum of ten shillings, and shall further be liable to be imprisoned for any period not exceeding two days, at the discretion of the Magistrate before whom such penalty shall be recovered; and whoever, shall sell or offer for sale, or shall between the thirty first day of August in any year, and the first day of April in the next succeeding year, purchase any Salmon caught or taken by spearing, shall forfeit and pay the sum of ten shillings for each Salmon so sold or offered or exposed for sale, or purchased as aforesaid.

IV. And for the better regulation of the Sea Fisheries of this Province, Be it enacted, That the Lieutenant Governor in Council may make rules and regulations for the management and protection of all Fisheries on the Sea Coast of this Province, or around any Island laying off the said Sea Coast, between low water mark and three marine miles of such Coast or Island; and all Orders made by the Lieutenant Governor in Council, and published in the Royal Gazette, shall have the like force and effect as if contained in this Act; provided always, that such Orders in Council shall not impose any greater penalty than fifteen pounds, or any longer term of imprisonment than ten days.

V. And be it enacted, That the Lieutenant Governor in Council may appoint Wardens of the Fisheries, not exceeding two in any County of this Province, whose duty it shall be to watch over and protect the Sea and River Fisheries, and to enforce or cause to be enforced all the provisions of the Acts of Assembly, the rules and regulations of the Justices in Sessions or Municipal authorities, or Orders in Council, with relation to such Fisheries; which Wardens shall be subject to

the directions of the Governor in Council, and liable to such penalties as may be imposed by Order in Council for misconduct or neglect of duty.

VI. And be it enacted, That the Lieutenant Governor in Council may grant leases or licences of occupation for Fishing Stations on the ungranted shores, beaches or islands of this Province, at fair, and reasonable rents, such leases or licences of occupation not to be for any longer term or period than five years, and to terminate whenever the Fishing Station shall cease to be used for fishery purposes; and no Fishing Station shall be allowed to occupy the whole of any locality where there is space for more than one such Station; and in the event of several parties applying for the same Station, the lease of such Station shall be sold at public auction, after thirty days notice, the upset price being determined by the Lieutenant Governor in Council; provided always, that nothing herein contained shall, interfere with or be construed to affect the rights of parties in lands or privileges heretofore granted.

VII. And be it enacted, That no Herrings whatsoever shall be taken or caught in any manner on the spawning ground at the Southern Head of Grand Manan between the fifteenth day of July and fifteenth day of October in any year, such spawning ground commencing at the eastern part of Seal Cove, at a place commonly known as Red Point, and thence extending along the Coast westerly, and around the Southern Head of Bradford's Cove, a distance of about five miles, and extending to the distance of one mile from the shore; and all nets or engines used for catching Herrings on the said spawning ground, within the period above limited, shall be seized and forfeited; and every person engaged in using the same shall be deemed guilty of a misdemeanor, and shall be arrested, prosecuted, and punished, as in other cases of misdemeanor.

VIII. And be it enacted, That all fines and penalties recoverable under and by virtue of any section of this Act, not exceeding fifteen pounds, shall and may be recovered before any two Justices of the Peace, with costs of prosecution, and beyond that sum, shall and may be recovered before any Court of competent jurisdiction, with costs of prosecution; such penalty, when recovered, to be paid into the County Treasury, and to be appropriated one half to and for the Warden or Wardens who may have instituted proceedings for the recovery thereof, and the other half to and for the use of the said County.

IX. And be it enacted, That nothing herein contained shall be construed to prevent the Warden or Wardens from being competent witnesses for the recovery of any penalties under this Act, for or by reason of their being entitled to any portion of the penalty so to be recovered.

X. And be it enacted, That the Wardens to be appointed under and by virtue of the sixth section of this Act, shall in addition to the proportion of any penalties recovered under and by virtue of the eighth section of this Act to which they may be entitled, shall be entitled to receive and demand of and from the Provincial Government, the sum of forty pounds for his services during the current year; provided always, that before any such sum shall be drawn from the public funds, it shall be certified to the Lieutenant Governor in Council that the County for which such Warden or Wardens has or have been appointed, has provided a similar sum for the payment of the said Warden or Wardens.

XI. And be it enacted, That in every Dam now built or hereafter to be built or placed across the various Streams and Rivers in this Province, a proper and suitable Fishway shall be made and kept; provided that in those already erected, the proprietors thereof shall be allowed until the first day of October next to make the Fishway required in and by this Act.

XII. And be it enacted, That no slabs or edgings, or other mill rubbish, sawdust excepted, shall be allowed or put, directly or indirectly, by any person or persons, in any of the Rivers or Streams of this Province.

XIII. And be it enacted, That whoever shall be convicted of any breach of the provisions of the eleventh and twelfth sections of this Act, shall be subject to the like pains and penalties as provided in and by the third section of this Act, and be recoverable as hereinbefore provided.

XIV. And be it enacted, That any person or persons prosecuting or giving evidence on any prosecution for the recovery of any penalty or penalties under the provisions of this Act, who shall be guilty of wilful and corrupt false swearing on such prosecution, shall be deemed guilty of perjury, and on conviction thereof before any Court of competent jurisdiction, shall be liable to all the pains and penalties imposed by law upon persons guilty of perjury.