

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1853. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1853.

16 Victoria – Chapter 39

An Act to revive and amend 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. Passed 3rd May 1853.

Whereas great injury has been done to the Herring Fishery within the County of Charlotte by the erection of weirs, fishgarths, and other obstructions, and the placing and setting of seines and nets across the several Havens, Rivers, Creeks and Harbours therein;

Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, as follows:—

1. No seine or net shall be set across the mouth of any haven, river, creek or harbour within the Parishes of Grand Manan, West Isles, Campo Bello (Campobello), Pennfield, and Saint George, in the County of Charlotte, and no seine or net shall be set in any such haven, river, creek or harbour, which shall extend more than one third 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.
2. Any person offending against the preceding section, upon due conviction thereof, or by confession before one of Her Majesty's Justices of the Peace for the County of Charlotte, shall for the first offence forfeit the sum of five pounds, to be levied by warrant of distress and sale of the offender's goods; and for the second offence shall forfeit the sum of ten pounds, to be recovered with costs in an action of debt in any Court of Record in this Province; and for the third and any subsequent offence, shall forfeit the sum of fifteen pounds, to be recovered with costs in like manner; one half of such penalties, when recovered, to be paid to the Overseers of the Poor of the Parish where the offence was committed, for the use of the Poor, and the other half to the person who shall sue for the same.
3. Every fish weir in the Parishes before mentioned which is dry at low water, or which in the opinion of the Wardens of the Fisheries for the County of Charlotte requires the same, shall have a gate therein of such width and in such position as the said Wardens may determine; and the owner or occupier of any fish weir who shall neglect or refuse to place a gate therein according to the directions of the said Wardens, shall forfeit and pay the sum of five pounds for each day he shall so neglect and refuse after due notice.
4. The said Wardens and the Overseers of the Fisheries in the Parishes before mentioned, shall severally have power to seize and remove any net, hedge, weir, fishgarth, seine, or other obstruction, set or placed contrary to the provisions of this Act, and after five days notice may sell the same in some public place in the Parish where the seizure is made, together with any fish found therein; after deducting from the proceeds the charges of such seizure and sale, the residue

shall be applied to the payment of any penalty incurred under this Act, and the overplus, if any, shall be paid to the Overseers of the Poor for the Parish where the offence was committed, for the use of the Poor thereof.

5. The said Wardens shall have power to mark out and designate in proper positions at the Island of Grand Manan and other fishing stations in this Province, if necessary, fit places for the deposit of fish offal, to be called "gurry grounds," they shall post up notices in the said Island at the several School Houses, describing the limits and position of such "gurry grounds," and publish the like notice in the Royal Gazette; and if after the posting and publication of such notice, any person shall cast overboard from a boat or vessel the heads, bones or other offal of fish into the waters of or near the Island of Grand Manan, at any place except the said "gurry grounds," such person shall forfeit and pay a fine not exceeding five pounds nor less than ten shillings for each offence.

6. The penalties in the two preceding sections may be sued for and recovered by summary proceedings before one or more Justices of the Peace together with costs, and when recovered shall be paid over to the person who shall prosecute for the same.