

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1860. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1860.

23 Victoria – Chapter 52

An Act relating to the Fisheries in the County of Restigouche. Passed 9th April 1860.

Section.

1. Regulations with penalties may be made by the General Sessions;
2. Not to be in force until approved by the Governor in Council.
3. Penalty for setting traps, lines, &c. for salmon or codfish.
4. Penalty for catching salmon by drifting.
5. None but Indians shall catch salmon by spearing, &c.
6. Indians may catch salmon in May, June, and July, for their own use.
7. Possession to be prima facie evidence of violation of law.

Section.

8. Penalty for fishing in spawning frounds.
9. Regulations, by whom to be enforced.
10. Money to be assessed under Sec. 3, Chap. 101, Rev. Stat. may be otherwise raised.
11. Violators of Canadian Fishery Laws or Regulations for River Restigouche, or Mistouche, may be prosecuted in this province;
12. Evidence of such laws and regulations, and of the authority of the officer.
13. Recovery of fines and penalties.

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

1. The General Sessions for the County of Restigouche, or any Special Sessions for that purpose holder, shall have power from time to time to make rules and regulations for the management, preservation and protection of the Fisheries, and for the regulation of seines, nets, fish-wiers, and any other mode of catching or taking fish in the Rivers and Harbours of the said County, and may also make regulations for the spawning and breeding of fish of any kind, and may set apart any River or parts of a River for that purpose, and may prescribe such penalties for the breach of any regulation, not exceeding ten pounds for any offence, as they may deem advisable.
2. No rule or regulation shall be in force until approved of by the Governor in Council in the manner prescribed for other Fishery regulations, and when so approved shall be deemed valid and to have been made within the scope of the authority of such Sessions.
3. Any person who shall in any River or Harbour of the said County, or within three marine miles of the shore on any part of the coast of the said County, set any machine, trap, line with hooks, or wier, for catching or taking any salmon or codfish other than with set net in the ordinary mode of fishing, shall for each offence forfeit or pay a penalty of not less than ten pounds and not exceeding fifty pounds; and any such machine, trap, wier, or line with hooks, set or used contrary to the provisions of this Act, may be seized and sold by any Constable or Fishery Warden, and after deducting expenses of seizure and sale, the proceeds paid to the County Treasurer for the purposes of the Fishery Fund.

4. Whoever shall catch any salmon by drifting with a net in any River in the said County, shall for each offence forfeit and pay a sum not exceeding five pounds, and the net used for such purpose shall be forfeited and sold, and disposed of as in the last preceding Section.
5. No person other than an Indian shall take, catch or kill any salmon by means of spears, harpoons, jigger hooks, or grapnels, under the penalty of a sum not exceeding five pounds for each offence.
6. Indians may for their own immediate use and consumption in the months of May, June, and July, catch or take salmon in the manner aforesaid, upon waters not set apart for breeding and spawning; but they shall on no pretence whatever sell, barter or give away any salmon so captured or killed in the manner heretofore named.
7. The possession of any such salmon so killed shall be prima facie evidence that the same was killed or taken contrary to law, and it shall be forfeited accordingly, and the party punishable according to law.
8. No fishing shall be allowed in any waters set apart by the Sessions for the purpose of spawning or breeding, under the penalty of a sum not exceeding ten pounds for each offence.
9. The execution and carrying into effect of the regulations made under the authority of this Act, shall and may be made and carried out by such persons as the Sessions shall appoint, or by such officers as are appointed under any law relating to the Fisheries, or both.
10. The Sessions shall have power to raise the sum required by the third Section of Chapter 10J, Title XXII, 'Of the Sea and River Fisheries,' by assessment as therein is provided, or by any other mode they may deem advisable.
11. Any person guilty of any offence punishable by any law in force in Canada, or guilty of the breach of any regulations made under the authority of any law in Canada relating to the management, protection or regulation of the Fisheries of the River Restigouche or Mistouche, who may come into the Province, may be punished in this Province therefor, in the same manner as if the offence had been committed in this Province; and every such offender may be summarily dealt with and convicted before any Justice of the Peace for the said County of Restigouche, under the provisions of the Summary Conviction Act.
12. In prosecutions for penalties for a breach of any law relating to the Fisheries or any fishery regulation in Canada, committed on that part of the River Restigouche or Mistouche within the jurisdiction of the Province of Canada, the Statutes of Canada, published in the Canada Gazette by the Queen's Printer, containing such law or the regulations made thereunder, published in the same manner, shall be evidence of the law and regulations respectively; or the certificate of the Provincial Secretary or Clerk of the Executive Council, certifying the enactment of any Statute in Canada, or the making of any Order in Council, or Regulation authenticated by the Seal of the

Province of Canada, shall be evidence of such Statute of Canada, Order in Council, or Regulation; and the authority of a Canadian Officer connected with the protection of the Fisheries, or charged with the execution of any such law or regulation in Canada, may be proved by oral testimony.

13. Fines and penalties imposed by this Act, or by any Regulations of the Sessions made under the authority thereof, may be sued for and recovered in the mode prescribed by any law relating thereto, or for summary convictions, in force at the time of the commission of the offences.