

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1866. Fredericton, NB: G. E. Fenety, Printer to the Queen's Most Excellent Majesty, 1866.

29 Victoria – Chapter 14 (Session 2)

An Act to encourage the formation of Oyster Beds. Passed 9th July, 1866.

Section.

1. Lease or License, by whom granted; proviso.
2. Lease, how sold. Upset price, by whom determined.
3. Rights of Leases.
4. Penalty for trespass on any Lease.

Section.

5. Penalties, how recovered.
6. Penalty to be in addition to civil rights of Lessees. Free navigation not to be interfered with.

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

1. The Governor in Council may grant leases or licences of occupation for a term not exceeding ten years, of the foreshore beyond low water mark on the coast, or within the bays, inlets, harbours or rivers of this Province, for the formation of oyster beds, and the cultivation of oysters, provided that no oyster beds now existing shall be so leased or licenced.
2. That when application is made for any lease or licence under the preceding Section, the lease or licence shall be sold at public auction after twenty one days notice in the Royal Gazette, in which notice the bounds of the lease or licence shall be specified; the upset price shall be determined by the Governor in Council; private rights and privileges already granted not to be affected by this Act.
3. The holders of any such lease or licence shall have the exclusive right to lay down and to raise or take away oysters from within the limits of any such lease or licence.
4. Any person who, without the leave of the owner of any such lease or licence, shall remove from, or carry away any oysters from within the limits of any such lease or licence, such person shall for each and every offence forfeit and pay a sum not exceeding twenty dollars nor less than four dollars, to be sued for and recovered in the name of the owner of such lease or licence before any Justice of the Peace for the County where the offence shall be committed, and such fines shall be paid to the owner of such lease or licence.
5. Such fines or penalties shall be sued for and recovered in the manner prescribed by Chapter 138, Title xxxvii, of the Revised Statutes, 'Of Summary Convictions.'

6. The fines and penalties imposed by this Act shall be in addition to any civil rights and remedies of the owners of any such lease or licence, and nothing in this Act shall authorize in any way the interference with the free navigation of any bays, harbours, rivers or inlets in this Province.