

spearing salmon, shall be considered in the act of spearing salmon, and the burthen of disproving the same shall be on the party so discovered.

11. The owner or the occupier of any mill to which any dam, lock or obstruction made or to be made on or across any river, resorted to by salmon or gaspereaux, is appurtenant, who shall not during such periods while the fish are passing up from and returning to the sea, as shall be prescribed by the regulations of sessions, or in case there are no regulations on the subject as shall be fixed by the river inspector, when no such regulation shall be made by the sessions or river inspector, then within the period prescribed in the first section of this chapter, have and keep open a waste gate or slope sufficient to allow such fish to pass and repass, shall be liable to a penalty not exceeding forty dollars.

Owner of mill to keep open waste gate, &c.

Penalty.

12. When such owner or occupier having a sufficient waste gate or slope shall keep the same shut or otherwise impede the passage of such fish during such periods, he shall be liable to a penalty not exceeding forty dollars for every time he shall close the said passage.

Penalty for closing passage.

13. When such owner shall have had ten days notice in writing from the river inspector or any justice of the peace of the want or insufficiency of such waste gate or slope, and shall have for that space of time neglected or refused to construct such waste gate or slope, he shall be liable to a penalty of one hundred dollars, and if he shall neglect or refuse to construct such waste gate or slope for ten days after such penalty shall have been inflicted the justices inflicting such penalty, or any judge of the supreme court may upon sufficient proof of such neglect or refusal order the sheriff of the county to frustrate and wholly destroy the said milldam, and the expenses attendant upon such application and of the removal of the said dam shall be taxed by the said justices or by a judge, who may direct an execution to issue therefor against the said owner.

Penalty for refusing to construct gates, &c.

Upon continued refusal mill-dam may be destroyed.

14. The sessions of each county shall at the first meeting after the passing of this chapter by a memorandum in writing, declare specifically the rivers and streams within the county to which the provisions of this chapter shall not apply.

Sessions may declare what rivers exempt.

15. The grand jury in each county shall present and the sessions shall appoint in the same manner as county and township officers are appointed, for each river or part of a river which the sessions shall make into a separate district or jurisdiction, an officer to be called inspector of river fisheries, to be paid such salary as the grand jury and sessions may allow, who shall be sworn into office as other township officers are sworn, and who shall be liable and bound to protect the fisheries and carry out

Sessions to appoint inspectors.

Salary.

To be sworn. Duties of, &c.