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LAWS AND REGULATIONS

NOW IN FORCE IN THE UNDERMENTIONED COLONIES

RELATIVE TO

THE FISHERIES.

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*Colonial Office,
October 1856.*

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CANADA.

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CANADA.

No. 1.

No. 1.

COPY of a DESPATCH from Governor Sir Edmund HEAD to Mr. Secretary LABOUCHERE.

(No. 64.)

Government House, Toronto, April 29, 1856.

SIR,

(Received May 19, 1856.)

IN compliance with Sir William Molesworth's despatch of the 3rd of August, 1855, No. 10, I have the honour to enclose certified copies of the Acts now in force in this Province relating to fisheries.

The collection has been examined by the Attorney-General for Canada East, whose signature attests it to be complete and authentic.

Copies of this collection have been sent to Her Majesty's Minister at Washington, and to each of the Governors of the different North American Colonies.

I have, &c.

The Right Hon. H. Labouchere,
&c. &c. &c.

(Signed) EDMUND HEAD.

Encl. in No. 1.

Enclosure in No. 1.

ACTS relating to FISHERIES IN CANADA.

9 Geo. IV, cap. 51 (Lower Canada). 4 & 5 Vict., cap. 36. 7 Vict., cap. 13. 8 Vict., cap. 47. 16 Vict., cap. 92. 18 Vict., caps. 114, 144; and Extract from "The Lower Canada Municipal and Road Act of 1855" (18 Vict., cap. 100).

9 GEO. IV, CAP. 51. (Lower Canada.)

9 Geo. IV, cap. 51,
continued by
18 Vict., c. 85.

An Act for the Preservation of the Salmon Fisheries in the Counties of Cornwallis and Northumberland.

Preamble.

WHEREAS an Act passed in the fourth year of His Majesty's reign, for the better regulation of the fisheries in the Inferior District of Gaspé, and in the counties of Cornwallis and Northumberland, will expire on the first day of May next; and whereas it is expedient again to make provision, for a limited time thereafter, for the preservation of the salmon fisheries in the county of Cornwallis, and in that part of the county of Northumberland lying eastward of Cap Tourmente: Be it therefore enacted, &c., That it shall not be lawful to catch or kill salmon in the said county of Cornwallis, or in that part of the said county of Northumberland lying eastward of Cap Tourmente, by any means or in any manner whatsoever, from and after the said first day of August, in any year during this Act; nor shall it be lawful, during the said period, to buy or receive from the Indians any salmon after the first day of August aforesaid, nor from any person whatever any salmon caught or killed and offered for sale in either of the said counties after the said day, under the penalty of five shillings currency, for every offence in disobedience to this Act: Provided always, that nothing herein contained shall be construed to extend to prevent the Indians from catching and killing salmon for their own and for their families' use at any time.

Penalty for catching salmon in the county of Cornwallis or Northumberland, eastward of Cap Tourmente, after the 1st day of August in any year.
Proviso.

Salmon not to be prevented from passing freely and without obstruction.

II. And whereas it is necessary for the preservation and improvement of the salmon fisheries in the aforesaid counties, that salmon be not prevented from passing freely and without obstruction, the different rivers therein, up to their spawning places: Be it there-

fore enacted, &c., that the channels or main water-courses of the several rivers in the said county of Cornwallis, and within the extent aforesaid of the said county of Northumberland, shall at all times be left open and free of obstruction of whatsoever kind; and where no channel can be ascertained, then one-third the breadth of the river, comprising the deepest water thereof or main water-course, shall be so left open and free, under the penalty of five pounds currency, recoverable from the person or persons who shall have caused such obstruction.

tion up the rivers, to their spawning places.
Penalty.

III. And be it further enacted, &c., that it shall be the duty of each and every Justice of the Peace, officer of militia and peace officer, in the said counties respectively, on view or on complaint to him made, that any net or other obstruction hath been placed, and is in any river in his neighbourhood, contrary to the intent and meaning of this Act, and in a manner manifestly prejudicial to the salmon fishery in such river, forthwith to remove, or cause to be removed, such net or other obstruction.

Duty of the justice, &c., on complaint made that nets have been placed contrary to this Act.

IV. And be it further enacted, &c., that the fines and forfeitures imposed by this Act, may, within three months after the commission of the offence, but not afterwards, be prosecuted and recovered in a summary manner before any Justice of the Peace; and that the testimony on oath of one credible witness, other than the prosecutor or informer, shall be sufficient to convict any person offending against this Act.

Fines and forfeitures recoverable in a summary manner.

V. And be it further enacted, &c., that every conviction before any Justice of the Peace, that may take place under and by virtue of this Act, shall be drawn up in the form prescribed in the Appendix to this Act. (Letter A.)

Conviction, how to be drawn up.

VI. And be it further enacted, &c., that for each and every summons, including the information or plaint, that may at any time issue, in virtue of this Act, from any Justice of the Peace, no greater sum than one shilling, current money aforesaid, shall be demanded, charged, or paid, and for each and every subpoena that may issue to compel the attendance of any necessary witness, no greater sum than nine pence, current money aforesaid, including the copy that may be served upon such witness, shall be demanded, charged or paid; and for each and every conviction, including the entry of the same on the register as aforesaid, no greater sum than one shilling, current money as aforesaid, shall be demanded, charged, or paid; and for a warrant of distress no greater sum than nine pence, current money aforesaid, shall be demanded, charged, or paid: nor shall any Justice of the Peace claim, exact, or receive, under any cause or pretext whatever, any greater recompense or fee, with respect to any such summons, subpoena or copy of subpoena, conviction or entry thereof, as aforesaid, or warrant of distress, or for any service or extra service in relation with the same, than is hereby above allowed and specially authorised.

Fees to the justices of the peace.

VII. And be it further enacted, &c., that, for the services of any constable or peace-officer, in and about any prosecution under or in virtue of this Act, no greater recompense or remuneration shall be allowed than is hereby specified, that is to say: for the service and certificate thereof of every summons, nine pence, current money aforesaid; for the service and certificate thereof of every copy of a subpoena, nine pence, current money aforesaid; for levying any penalty under and by virtue of this Act, seven shillings and six pence, current money aforesaid; and these allowances shall be exclusive of mileage, at the rate of one shilling for each and every league which such constable or peace-officer must, in the due execution of such warrant of distress, or of any other duty by him to be performed under this Act, necessarily and unavoidably travel from his home or domicile (distances in returning from the place of service, seizure or sale, not counted), and which mileage shall be in lieu of all travelling expenses.

Fees allowed to the constable.

VIII. And be it further enacted, &c., that the fines and forfeitures by this Act imposed, shall, in case of non-payment, be levied by distress and sale of the goods and chattels of the offender, by virtue of a warrant to this effect, under the hand of the Justice of the Peace before whom the conviction shall have taken place, directed to any constable or peace-officer; and the overplus of money, if any, arising from the sale, after deducting the penalty and costs, shall be returned to the offender.

Fines and forfeitures, how to be levied.

IX. And be it further enacted, &c., that one moiety of the fines and forfeitures by this Act imposed, shall go to the prosecutor or informer, and the other moiety shall await the disposal of the Provincial Legislature, for the public uses of the province, and be accounted for to His Majesty, his heirs and successors, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, his heirs and successors, shall be pleased to direct.

One moiety of the fines to go to the prosecutor, and the other moiety to be at the disposal of the Legislature.

X. And be it further enacted, &c., that nothing in this Act contained shall in any manner prejudice the rights of His Majesty, or of any body politic or corporate, or any person or persons whomsoever, with respect to any of the rivers in the said county of Cornwallis and within the extent aforesaid of the said county of Northumberland, those in this Act mentioned excepted.

Saving of His Majesty's rights, &c.

Province of Lower Canada, }
County of

Be it remembered, that on this day of in the year ,
A. B. is convicted before me, , one of His Majesty's Justices of the
Peace [*here set forth the offence*]; and I do accordingly adjudge him, by virtue of an Act
passed by the Legislature of this province in the year of His Majesty's reign,
intituled "An Act for the preservation of the Salmon Fisheries in the Counties of Corn-
wallis and Northumberland," to pay and forfeit by reason of the offence aforesaid, whereof
the said A. B. stands convicted, the sum of

Given under my hand, at the day and year aforesaid.

4 & 5 VICT., CAP. XXXVI.

An Act to regulate the Fisheries in the District of Gaspé.

[September 18, 1841.]

4 & 5 Vict., c. 36,
continued by
18 Vict., c. 85.

Preamble.

Whereas the fisheries in the Inferior District of Gaspé are of great importance to
the trade of this province; Be it therefore enacted by the Queen's Most Excellent Majesty,
by and with the advice and consent of the Legislative Council and of the Legislative
Assembly of the Province of Canada, constituted and assembled by virtue of and under
the authority of an Act passed in the Parliament of the United Kingdom of Great Britain
and Ireland, in the session held in the third and fourth years of Her Majesty's reign, and
intituled "An Act to reunite the Provinces of Upper and Lower Canada, and for the
"government of Canada," and it is hereby enacted; by the authority of the same, that all
and every Her Majesty's subjects shall peaceably have, use, and enjoy the freedom of
taking bait, and of fishing in any river, creek, harbour, or road, with liberty to go on shore
on any part within the Inferior District of Gaspé, between Cape Chat, on the south side of
the River Saint Lawrence, and the first rapid of the River Ristigouche within the said
district, and on the Island of Bonaventure, opposite Percé, for the purpose of salting,
curing, and drying fish there, to cut wood for making and repairing stages, flakes, hurdles,
cook-rooms, and other purposes necessary for preparing their fish for exportation, or that
may be useful to their fishing trade, without hindrance, interruption, denial, or molestation
from any person or persons whomsoever: Provided such river, creek, harbour, or road, or
the land upon which such wood may be cut, doth not lie within the bounds of any private
property by grant from Her Majesty, or her Royal predecessors, or other title proceeding
from such grant by Her Majesty, or her Royal predecessors, or by grant made prior to
the year one thousand seven hundred and sixty, or held under and by virtue of any location
certificate, or title derived therefrom, or under and by virtue of any title derived under any
Act of the Legislature of the late Province of Lower Canada or of this province.

Right to fish and
land on the shores
of Gaspé.

Occupation of the
beach.

II. And be it further enacted by the authority aforesaid, that the master or commander
of any vessel fitted out from the United Kingdom of Great Britain and Ireland, or the
dominions thereunto belonging, as well as all other subjects of Her Majesty, may take
possession of so much of the unoccupied beach within the aforesaid Inferior District of
Gaspé, as may be necessary for curing his fish, and preparing it for exportation, and to
retain and enjoy the same so long as he shall not leave it unoccupied for the space of
twelve calendar months, in which case it shall be lawful for any other person or persons to
take possession thereof, in part or the whole, for the same purposes and on the same
condition: Provided that such beach be not private property by grant from Her Majesty
or her Royal predecessors, or other title proceeding therefrom, or by grant prior to the
year one thousand seven hundred and sixty, or held under and by virtue of any location
certificate, or title derived therefrom, or in virtue of any title derived under any Act of the
Legislature of the late Province of Lower Canada, or of this province: Provided also, that
such new occupier shall, when thereunto required by the preceding possessor, or his lawful
attorney, the demand being made within one year after the possession taken, pay him for
such parts of the flakes and stages as such new occupier shall take possession of. And
provided further, that the said preceding possessor, not having been paid as aforesaid, may
remove any building or other improvement erected or made by him on the unoccupied
beach as aforesaid, so that such removal be not made during, and before, the close of the
fishing season in which the new occupier shall have taken possession.

Proviso.

Proviso.

Persons fishing to
do no injury:

III. And be it further enacted by the authority aforesaid, that no ballast, or anything
else injurious or hurtful to any of the rivers, harbours, or roads within the said Inferior
District of Gaspé, shall be thrown out of any vessel, or discharged into any stream, basin,
or road in the said Inferior District, but that the same shall be carried on shore, and
deposited where no public or private injury may be sustained thereby, nor shall any person
or persons throw any fish, guts, offals, or gurry overboard within the distance of six leagues

from the shore and islands of the Inferior District of Gaspé aforesaid, nor on any fishing bank, under a penalty not exceeding twenty pounds current money of this province.

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IV. And be it further enacted by the authority aforesaid, that no person or persons shall cast anchor near the shore, or do anything within the aforesaid limits so as wilfully to annoy or obstruct the hauling of seines, or to obstruct or prevent the setting of nets, nor shall any nets be wilfully set or placed so as to prevent or obstruct the hauling of seines, under a penalty not exceeding five pounds current money of this province for every such offence, exclusive of such damages as may be recovered at law by the proprietor or proprietors of the seines or nets which may be thereby injured or destroyed: Provided always, that no such nets or seines as aforesaid shall be set or used so as to incommode or obstruct the navigation or anchorage in any harbour, roadstead, cove, or place necessary for the common purposes of navigation.

And not to obstruct other fishing.

V. And be it further enacted by the authority aforesaid, that all pickets, building timber, or other timber of any description whatsoever, placed or used in the several rivers in the Inferior District of Gaspé, or in the sea along the beach in any part of the said Inferior District, whether for the use of fisheries or for the purpose of building, repairing, or launching any vessel or vessels, barge or boats, or for any other purpose whatsoever, shall be removed and carried by the person or persons who shall have so placed them, or caused the same to be so placed, to some part of the beach above high-water mark within the space of eight days from the day on which such person or persons shall have ceased to use said pickets, building timber, or other timber of whatever description, under a penalty not exceeding five pounds currency of this province for every offence against this section.

Pickets, timber, &c., placed in the river, to be removed.

VI. And be it further enacted by the authority aforesaid, that it shall not be lawful, under any pretext whatsoever, during the fishing season in the said Inferior District of Gaspé, that is to say, between the first day of May and the first day of November, inclusively, to seize or attach any boat or boats, tackle, nets, rigging, or implements of fishing of any kind whatsoever, or any provisions whatever belonging to any fisherman in the said Inferior District, and being necessary for his subsistence, or to enable him to follow his customary occupation in fishing for the cod, mackerel, herring, salmon, whale, seal fisheries, or any other kind of fish; and every person herein offending shall be liable to a penalty of not more than ten pounds currency, nor less than two pounds ten shillings currency, to be recovered by the person who shall sue for the same, without prejudice to such damages as the party injured may lawfully demand and prove.

Fishing implements not seizable during fishing season.

VII. And be it further enacted by the authority aforesaid, that any person hired to assist in any fishery who shall leave the service of his employer without just cause before the end of the term for which he shall have been so hired, or any person who shall hire or attempt to hire any person already hired as aforesaid, knowing him to be so hired, before the term of his engagement shall have expired, may, on complaint and legal proof thereof, made by such employer before one Justice of the Peace at a special session, be condemned to pay a fine not exceeding ten pounds currency, and, in default of payment, may be imprisoned in the common jail of the said Inferior District of Gaspé for a term not exceeding one month.

Persons hired to assist, quitting before the end of their engagement.

VIII. And be it further enacted by the authority aforesaid, that every person so hired to assist in any fishing, shall, for the payment of his wages or salary, have a privilege in preference to every other creditor on the produce of the fishery belonging to the merchant, or other person who shall have so hired him, and that all proceedings had under or in execution of this clause shall be had before the Provincial Court of the Inferior District of Gaspé, or any other Court of competent jurisdiction.

Wages or salary constitute a privileged creditor.

IX. And be it further enacted by the authority aforesaid, that it shall be lawful for the several grand juries for the said Inferior District of Gaspé at their General Sessions of the Peace, upon the recommendation and with the concurrence of the Justices of the Peace attending the session, or a majority of them, to make, for the temporary and local regulation of the fisheries in the said Inferior District, such further rules and regulations as to them shall appear most expedient for the general welfare and advantage of the said fisheries, not being contrary to the intent and meaning of this Act.

Grand Jury to make rules and regulations for the Fisheries.

X. Provided always, and be it further enacted by the authority aforesaid, that no rule or regulation that may be so, as aforesaid, made, shall have force or effect until the same shall have been approved and sanctioned by the Provincial Court in and for the Inferior District of Gaspé, or of the Fourth Division of the Court of Common Pleas, whenever the said Court shall be in operation, duly notified in the "Quebec Gazette," and by an advertisement in the English and French languages, publicly posted up by the Clerk of the Peace in and for the said Inferior District, whose duty it shall be to attend to the same, and see or cause such advertisement to be duly posted up as hereby directed, with the least possible delay, at the church doors of each and every church, chapel, or other place of Divine service, in the said Inferior District of Gaspé, or at the most public places of each and every settlement in the said Inferior District where the fisheries are carried on, in case

Such rules to be sanctioned by the Provincial Court, notified in Gazette, &c.

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there should be no such church, chapel, or other place of Divine service as aforesaid: And provided also, that no fine to be imposed by such rules and regulations shall in any case exceed the sum of five pounds currency, and that no rule or regulation that may at any time be made under and in virtue of this Act shall have force and effect after the expiration of this Act; and a copy of the rules and regulations that may, as aforesaid, be made and confirmed under and in virtue of this Act, shall, at the ensuing session of the Legislature, be laid before the three branches of the same, in the English and French languages, by the Prothonotaries of the aforesaid Provincial Court, or of the Fourth Division of the Court of Common Pleas aforesaid, within fifteen days after the opening of the session.

Main channels and water-courses to be always open and unobstructed.

XI. And whereas it is necessary for the preservation of the salmon fisheries, that the main channels or water-courses of the several rivers in the said Inferior District of Gaspé should at all times remain open and unobstructed: Be it therefore further enacted by the authority aforesaid, that all channels or main water-courses of the several rivers in the said district shall at all times remain free and open; nor shall any bar-nets or swing-nets, or other obstructions of any kind, for the purpose of catching salmon, be placed in any such channel or main water-course, neither by fixture nor by drifting, and that any person herein offending shall for every such offence incur a penalty not exceeding five pounds, and the forfeiture of the net or nets which shall have been placed in contravention to this Act, in any such channel or main water-course, or with which he shall have been found drifting, as aforesaid; and that it shall be lawful for any Justice of the Peace of the said Inferior District to convict, upon view, any person or persons so found offending contrary to the meaning and intent of this clause.

Pickled fish to be exported in barrels of a certain size.

XII. And be it further enacted by the authority aforesaid, that six months after the passing of this Act no pickled mackerel, cod, or pickled or smoked herring, shall be shipped for exportation, nor exported from the said Inferior District to any place out of the said province, but in barrels containing twenty-eight gallons each, or in half-barrels containing fourteen gallons each, wine measure.

Fines, &c., how recoverable.

XIII. And be it further enacted by the authority aforesaid, that the fines, penalties, and forfeitures by this Act imposed, that may be incurred in the said Inferior District of Gaspé, with regard to which no other provision is hereby made, exceeding in amount the sum of five pounds current money aforesaid, shall be recoverable by suit before the Provincial Court in and for the said Inferior District, or before the said Fourth Division of the Court of Common Pleas, or before the Court of General Sessions of the Peace in and for the said Inferior District, at the ensuing term of either of the said Courts which may be held nearest to the place where the offence may have been committed, and not afterwards, or before any three Justices of the Peace for the said district.

Fines, &c., recoverable only within three months.

XIV. And be it further enacted by the authority aforesaid, that such fines, penalties, and forfeitures imposed by this Act, or that may hereafter be imposed in virtue of and under the authority of the same, and that may be incurred in the said Inferior District of Gaspé, and with regard to which no other provision is hereby made, not exceeding five pounds, current money aforesaid, may be recoverable by suit in a summary manner before at least two Justices of the Peace of the said Inferior District, at any time within three months next after the commission of the offence, and not afterwards.

Testimony of two credible witnesses on oath, sufficient to procure a conviction under this Act.

XV. And be it further enacted by the authority aforesaid, that the testimony on oath of two credible witnesses shall be sufficient to convict any person offending against this Act, and that the aforesaid Provincial Court, or the Fourth Division of the Court of Common Pleas aforesaid, and the Court of General Sessions of the Peace and Justices of the Peace, shall respectively have power to issue subpoenas, and compel the attendance of witnesses, whenever the same may be necessary, who are hereby required and commanded to obey such subpoenas under the pains and penalties of the law in case of disobedience; and the subpoenas which it shall be necessary to issue to compel the attendance of witnesses may be in the form prescribed in the Appendix of this Act (Letter A).

Fines leviable by distress.

XVI. And be it further enacted by the authority aforesaid, that the fines, penalties, and forfeitures by this Act imposed, or that may hereafter be imposed, in virtue of and under the authority of the same, and that may be incurred in the said Inferior District of Gaspé, shall, in case of non-payment, be levied by distress and sale of the goods and effects of the offender, in virtue of a warrant in the form prescribed in the Appendix to this Act (Letter B), under the hand of the Provincial Judge for the said Inferior District, or of the presiding Judge of the Fourth Division of the Court of Common Pleas aforesaid, or of the Justices of the Peace, or of the Senior Justice of the Court of General Sessions of the Peace, before whom or which the conviction may have taken place, directed to any constable or peace officer, and the overplus of money raised, after deducting the penalty and costs, shall be returned to the offender.

Offender may be imprisoned for non-payment of fine.

XVII. And be it further enacted by the authority aforesaid, that in all cases not otherwise provided for, if the offender convicted shall not have sufficient goods or effects whereon to levy the penalty and costs, he shall, if the penalty in which he may have been

condemned exceed ten pounds currency, be liable to be, and may be, committed to prison for a term not exceeding thirty days, and in cases where the penalty shall not exceed that sum, for a term not exceeding fifteen days.

XVIII. And be it further enacted by the authority aforesaid, that the information or **Forms of proceedings.** complaint, and the summons pursuant to the same, which may at any time be made to and issued by any Justice or Justices of the Peace against any person offending against this Act, in the said Inferior District of Gaspé, shall be in the form prescribed in the Appendix to this Act (Letters C and D), and when the offence committed may be above the jurisdiction of two Justices of the Peace, as by this Act provided, and cognizable in the aforesaid Provincial Court, Court of Common Pleas, or Court of General Sessions of the Peace, such summons shall be according to the course and practice of the said Courts, respectively.

XIX. And be it further enacted by the authority aforesaid, that between the service **Interval allowed between service and return of summons.** and return of every such summons as aforesaid, there shall at least be three intermediate days for the first five leagues, and one additional day for every five leagues there may be between the place of residence of the Justice or Justices of the Peace, or place where the Court may be held, and the usual residence or domicile of the defendant.

XX. Provided always, and be it further enacted by the authority aforesaid, that in **In the case of non-residents, summons may be made immediately returnable.** case where the defendant may not be a resident in the said Inferior District, and circumstances may render it expedient to enforce, without delay, the penalties by this Act imposed, it shall be lawful for any Justice or Justices of the Peace before whom the plaint or information may have been lodged to issue a summons, returnable before him or them immediately after service thereof, or within such reasonable time as he shall, by the said summons, appoint; and, if on the return of such summons, or at the time thereby appointed, the defendant shall not appear to answer thereto, the Justice or Justices of the Peace who may have issued such summons, on receiving satisfactory proof of the service thereof upon the defendant, shall proceed, in a summary manner, to receive evidence of and concerning the offence alleged against the defendant; and if such evidence be sufficient to warrant a conviction, such Justice or Justices of the Peace shall forthwith, after entry of the conviction on a register to be by him, or the senior of them, kept for the purpose, be authorized and empowered to enforce the same according to the provisions of this Act.

XXI. Provided always, and be it further enacted by the authority aforesaid, that **Provincial Judge in certain cases to try offences.** in cases circumstanced as last abovementioned, exceeding the jurisdiction of two Justices of the Peace, the Provincial Judge of the said Inferior District, or the Judge of the said Fourth Division of the Court of Common Pleas, shall be authorized, and he is hereby required and empowered, to proceed, as last above-mentioned and directed, to take cognizance of, hear, try, and determine, in a summary manner, such offences against this Act as are by the same made cognizable by him, and upon conviction, as aforesaid, the penalties by this Act imposed to enforce and levy according to the provisions thereof.

XXII. And be it further enacted by the authority aforesaid, that every conviction **Form of conviction.** that may take place in the said Inferior District of Gaspé, under and in virtue of this Act, shall be drawn up in the form prescribed in the Schedule to this Act (Letter E).

XXIII. And be it further enacted by the authority aforesaid, that for each and every **Fees payable for summons, subpoenas, &c.** summons, including the information or plaint that may at any time issue in virtue of this Act, no greater sum than one shilling and six pence, current money, aforesaid, shall be demanded, charged, or paid, and for each and every subpoena that may issue to compel the attendance of any necessary witness, no greater sum than one shilling, current money aforesaid, including the copy that may be served upon such witness, shall be demanded, charged, or paid; and for each and every conviction, including the entry of the same on the register as aforesaid, no greater sum than one shilling and three pence, current money aforesaid, shall be demanded, charged, or paid; and for a warrant of distress, no greater sum than two shillings, current money aforesaid, shall be demanded, charged, or paid; nor shall any Justice of the Peace, Clerk or Prothonotary of the said Provincial Court, Court of Common Pleas, or Court of General Sessions of the Peace, claim, exact or receive, under any cause or pretext whatever, any greater recompense or fee, with respect to any such summons, subpoena or copy of subpoena, conviction and entry thereof, as aforesaid, or warrant of distress, or for any service, or extra service in relation with the same, than is hereby above allowed and specially authorized.

XXIV. And be it further enacted by the authority aforesaid, that for the service **Fees to officers of the Court.** made by any constable or peace officer in and about any prosecution, under or in virtue of this Act, no greater recompense or remuneration shall be allowed than is herein specified, that is to say: for the service and certificate thereof of every summons, one shilling, current money aforesaid; for the service and certificate thereof of every copy of a subpoena, six pence, current money aforesaid; for levying any penalty not exceeding five pounds, currency, pursuant to a warrant of distress, two shillings and six pence, current money aforesaid; and for any penalty exceeding five pounds, currency, a sum to

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be specified in the warrant proportionate to the labour, time and trouble of such constable or peace officer, as the Justices of the Peace, or Provincial Judge or Judges of the Court of Common Pleas, may deem a suitable recompense, not exceeding in the whole seven shillings and six pence currency; and these allowances shall be inclusive of mileage at the rate of one shilling, currency, for each and every league which such constable or peace officer must, in the due execution of such warrant of distress, or of any other duty to be by him performed under this Act, necessarily and unavoidably travel from his home or domicile (distances in returning from the place of service, seizure or sale, not counted), and which mileage shall be in lieu of all travelling expenses.

Limitation of process against offenders.

XXV. And be it further enacted by the authority aforesaid, that all fines, penalties, and forfeitures incurred by reason of anything done against this Act, shall be sued for within six months next after the commission of the offence, and not afterwards.

Duration of Act to 1st May, 1844.

XXVI. And be it further enacted by the authority aforesaid, that this Act shall be and remain in force until the first day of May, one thousand eight hundred and forty-four, and from thence until the end of the then ensuing session of the Legislature, and no longer.

APPENDIX (A).

Province of Canada, } Victoria, by the Grace of God, of the United Kingdom of
 Inferior District of Gaspé. } Great Britain and Ireland, Queen, Defender of the
 Faith, &c.

To Greeting :

Form of subpoena.

We command you and each of you, that all excuses being laid aside, you and each of you be in your proper persons before A.B., Esquire, our Justice [or one of our Justices of the Peace] for the Inferior District of Gaspé, at _____ on the _____ day of _____ instant [or next, as the case may be], by _____ o'clock, in the forenoon of the same day, to testify all and singular, what you or any of you know concerning a certain cause or plaint, there to be tried and determined by and before our aforesaid Justice [or Justices] at the suit of _____ against _____ for an alleged disobedience to an Act of the Legislature of this Province passed in the _____ year of our reign, intituled "An Act to regulate the Fisheries in the District of Gaspé," and this you nor any of you are in no wise to omit, under penalty upon each of you of _____ currency.

Witness our aforesaid Justice [or Justices] of the Peace, at this _____ day of _____ 18 _____.

[Signature of the Justice or Justices of the Peace.]

B.

Province of Canada, } Victoria, by the Grace of God, of the United Kingdom of
 Inferior District of Gaspé. } Great Britain and Ireland, Queen, Defender of the
 Faith, &c.

To _____ and to all and every the constables and peace officers in and for the Inferior District of Gaspé, Greeting :

Form of distress warrant.

We command you that you cause forthwith, by distress and sale of the goods, chattels, and moveable effects of _____ to be levied according to law the sum of _____ with _____ costs, being the penalty in which he the said _____ hath been convicted before me [or us, or this Court] on the _____ day of _____ one thousand eight hundred and _____ by reason of disobedience of a certain Act of the Legislature of this Province passed in the _____ year of our reign, intituled "An Act to regulate the Fisheries in the District of Gaspé," and which said penalty and costs remain unpaid.

Witness F. G. [and H. J.], Esquire [or Esquires], one [or two] of our Justices of the Peace for the said Inferior District, at _____ this _____ day of _____ one thousand eight hundred and _____ and of our reign

[Signature of the Justice or Justices of the Peace.]

C.

Province of Canada, }
Inferior District of Gaspé. }

The information and complaint of C. D., of the Inferior District of Gaspé, who, as well for our Sovereign Lady the Queen, as for himself in this behalf, prosecutes, made before Justices of the Peace for the Inferior District of Gaspé (wherein the offence hereinafter mentioned was committed), the day of of our Lord one thousand eight hundred and Lady the Queen as for himself, giveth [or Justices] to understand and be informed : in the County and Form of information of plaintiff. of Her Majesty's who, as well for our Sovereign the said Justice

That at on the day in the year [Here state the particular act which constitutes the offence complained of, and the day upon which the same was committed, in order that the defendant may be fully and precisely acquainted of the charge against him, as to time, place, and circumstances], against the form of the statute in such case made and provided, whereby and by force of the said statute the said A. B. hath incurred a penalty of [if the offender be liable to be imprisoned, state it so].

Wherefore the said C. D., as well for our said Lady the Queen as for himself, prayeth the adjudication of the said Justices in the premises, and the said A. B. may be adjudged to forfeit the said penalty [and to be imprisoned, &c., if the offender be liable to imprisonment]; and that he, the said C. D., may have one-half of the said forfeiture, according to the form of the statute aforesaid; and the said A. B. may be summoned to make his defence hereto before the said Justice or Justices, with costs.

Dated at this day of one thousand eight hundred and forty

D.

Province of Canada, }
Inferior District of Gaspé. }

To A. B., of in the Inferior District of Gaspé.

F. G. [and H. J., if two be required] one [or two] of Her Majesty's Justices of the Peace in and for the said Inferior District of Gaspé, hereby gives you notice that C. D., of Form of summons. in the said Inferior District of Gaspé, hath exhibited an information against you for a penalty of which hath been incurred by you for having heretofore, to wit :

[Here state the offence as to time, place, and circumstances, as mentioned in the preceding form of the information] against the form of the statute in such case made and provided.

You are hereby required personally to be and appear before at the house of on the day of one thousand eight hundred and at of the clock of the forenoon, to answer and make defence to the said information so exhibited against you, but if you neglect so to do, shall proceed as if you were personally present.

Given under hand at in the said Inferior District of Gaspé, on the day of in the year of our Lord one thousand eight hundred and

Dated at this day of one thousand eight hundred and forty

[Signature of the Justice or Justices.]

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E.

Province of Canada, }
 Inferior District of Gaspé. }

Form of conviction.

Be it remembered that on this _____ day of _____
 in the year of our Lord, one thousand eight hundred and _____ A.B. is convicted
 before me [or us] one [or two] of Her Majesty's Justices of the Peace for the Inferior
 District of Gaspé [or before this Court, as the case may be] for [here set forth the offence]
 and I do [or we do, or this Court doth] accordingly adjudge him, in virtue of an Act
 passed by the Legislature of this Province in the _____ year of Her
 Majesty's reign, intituled "An Act to regulate the Fisheries in the District of Gaspé," to
 pay and forfeit by reason of the offence aforesaid, whereof he, the said A.B., stands
 convicted, the sum of _____ [and if the offence be punished by imprison-
 ment] and that he the said A.B. be committed to the common goal for
 and during _____

Given under my hand and seal [or our hands and seals, or under the order of this
 Court] the day and year aforesaid.

(Signature, as the case may be.)

7 VICT., CAP. XIII.

7 Vict., c. 13.

An Act for the better Preservation of certain species of Fish in the Rivers and Waters of
 the Counties therein mentioned.

[December 9, 1843.]

Preamble.

Whereas a petition from the inhabitants of the county of Stanstead, praying that
 legislative provision be made for preserving the fish called "lunge" or "maskinongé" in
 Lake Memphramagog, and other lakes, and in the rivers of the eastern townships of this
 Province, has been presented to the Legislature, and it is expedient to grant the prayer
 of the petitioners, and to make legislative provision for the purpose aforesaid, and also for
 the preservation of salmon, and salmon-trout, during the season when they run up the
 rivers and streams in the said townships, and other places herein mentioned, to the places
 where they deposit their spawn: Be it therefore enacted by the Queen's Most Excellent
 Majesty, by and with the advice and consent of the Legislative Council and of the Legis-
 lative Assembly of the Province of Canada, constituted and assembled by virtue of and
 under the authority of an Act passed in the Parliament of the United Kingdom of Great
 Britain and Ireland, intituled "An Act to reunite the Provinces of Upper and Lower
 Canada, and for the government of Canada," and it is hereby enacted by the authority of
 the same, that hereafter it shall not be lawful for any person or persons to take any fish
 called "lunge," or "maskinongé," or "salmon trout" in Lake Memphramagog, or in any
 other of the lakes, rivers, or streams in any of the counties of Stanstead, Sherbrooke,
 Shefford, Missisquoi, and Drummond, nor within the counties of Essex and Kent, between
 the first day of the month of August, and the first day of the month of December in every
 year, by means of spears or seines, or in any other way than by a single hook.

Time at which
 certain fish shall
 not be taken except
 by a single hook.

Fish-pounds not to
 be made on the
 St. Francis, nor
 trout to be taken
 except in a certain
 way.

II. And whereas it is proper that the River St. Francis and its tributary rivers and
 streams should at all seasons remain open and unencumbered by fish pounds, so that salmon
 may be left unmolested at and in ascending to their spawning places, and also that the
 trout and other small fish when they run into the small streams and inlets for shade
 during the extreme heat of the summer, should not be taken with nets and baskets, or
 otherwise than by a single hook: Be it therefore enacted, that it shall not hereafter be lawful
 for any person or persons to build any fish pounds in the River St. Francis, or in any of
 its tributary rivers or streams, so as in any way to obstruct the main channels by means
 thereof, within any of the said counties, for the purpose of taking salmon, or to take any
 trout or other small fish, when they run into the small streams, brooks or inlets, within
 any of the said counties for shade during the summer months, with nets or baskets, or in
 any other way than by a single hook.

Penalty for offend-
 ing against this
 Act.

III. And be it enacted, that any person offending against the provisions of this Act,
 shall, on conviction thereof before one or more of Her Majesty's Justices of the Peace,
 incur a penalty not exceeding two pounds currency, to be fixed by such Justice or Justices
 in his or their discretion, according to the circumstances of the case, which penalty, if not
 paid within eight days by the party convicted, shall be levied by distress and sale of the
 goods and chattels of such party under the warrant of such Justice or Justices of the
 Peace, to be issued after the expiration of the said eight days, and one moiety of such
 penalty shall belong to Her Majesty for the public uses of the Province, and the other
 moiety to the prosecutor: Provided always, that if the party or parties so convicted shall
 fail to pay such penalty and costs, and no goods and chattels can be found belonging to
 the said party or parties whereof to levy the same, then and in such case the said party or

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parties shall be by the said Justice or Justices committed to the common gaol of the district, for a period not in any case exceeding eight days, unless the said penalty and costs be sooner paid.

CANADA.

8 VICT., CAP. XLVII.

An Act to repeal and reduce into one Act the several laws now in force for the Preservation of Salmon in that part of this Province formerly Upper Canada, and for other purposes therein mentioned.

8 Vict., c. 47.

[March 29, 1845.]

Whereas it is expedient to repeal and reduce into one the several Acts now in force in Upper Canada for the preservation of salmon within that part of the province, and to make further regulations as to fishing in the rivers and creeks therein: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled "An Act to re-unite the Provinces of Upper and Lower Canada, and for the government of Canada;" and it is hereby enacted by the authority of the same, that the Act of the Parliament of the Province of Upper Canada passed in the second year of the reign of His late Majesty King George the Fourth, intituled "An Act to repeal the laws now in force relative to the Preservation of the Salmon, and to make further provisions respecting the Fisheries in certain parts of this Province, and also to prevent accidents by fire from persons fishing by torch or fire-light;" and an Act of the said Parliament passed in the fourth year of the same reign, intituled "An Act to repeal part of and to amend and extend the provisions of an Act passed in the second year of the reign of His present Majesty, intituled 'An Act to repeal the laws now in force relative to the Preservation of Salmon, and to make further provisions respecting the Fisheries in certain parts of this Province, and also to prevent accidents by fire from persons fishing by torch or fire-light,'" shall be and the same are hereby repealed.

Preamble.

Act of Upper Canada, 2 Geo. IV, c. 10.

Act of Upper Canada, 4 Geo. IV, c. 20.

The said Acts repealed.

II. And be it enacted, that from and after the passing of this Act, it shall not be lawful for any person or persons at any time between the tenth day of September in any year, and the first day of March in the succeeding year, to take, catch, or kill any salmon or salmon fry, in any manner whatsoever.

Salmon not to be killed between 10th September and 1st March of the next year.

III. And be it enacted, that it shall not be lawful for any person or persons at any time to take, catch, or kill in any manner, in any district in Upper Canada, any salmon or salmon-fry nearer the mouth of any of the rivers or creeks emptying into Lake Ontario or the Bay of Quinté, than two hundred yards, or within two hundred yards up from the mouth of any such river or creek as aforesaid: Provided always, that nothing herein contained shall be construed to prevent the taking of salmon with a seine or net at any place along the shores of Lake Ontario between the first day of February and the first day of August.

Salmon not to be killed within a certain distance of the mouths of rivers in Lake Ontario or the Bay of Quinté. Exception.

IV. And be it enacted, that it shall not be lawful for any person or persons to take, catch, or kill, or to attempt to take, catch, or kill, any fish whatsoever, in any river or creek within Upper Canada, by torch or fire-light, within one hundred yards of any mill which may now or hereafter be erected on any such river or creek as aforesaid.

Fish not to be taken by torch-light within a certain distance of any mill.

V. And be it enacted, that from and after the passing of this Act it shall not be lawful for any person or persons to buy, receive, or have in his or their possession, under any pretence whatever, any salmon taken or caught during the period in which persons are hereby prohibited from taking or attempting to take or catch salmon within Upper Canada; and the proof that any salmon was not so taken or caught shall lie on the person or persons in whose possession any such salmon shall be found.

No person to have salmon in his possession during the periods in which it is made unlawful to kill the same. Onus of proof to be on the possessor.

VI. And be it enacted, that if any person or persons shall be convicted of any offence against this Act, before any one or more of Her Majesty's Justices of the Peace within the district in which the offence shall have been committed, upon the oath of one or more credible witness or witnesses, such person or persons shall upon conviction as aforesaid, forfeit and pay a sum not exceeding ten pounds, nor less than five shillings, for the first offence, in the discretion of the Justice or Justices before whom such conviction shall be had, with all reasonable costs both before and after conviction; and for every subsequent offence of a like nature, the sum of five pounds, with costs as aforesaid: and upon any such conviction as aforesaid, it shall be lawful for the said Justice or Justices before whom such conviction shall have been had, to issue his or their warrant of distress against the goods and chattels of the offender or offenders, directed to any constable in the said district, and commanding him to levy the said fine and costs, of the goods and chattels of the said offender or offenders, which warrant shall be in the form to this Act attached,

Penalty on persons offending against this Act, and mode of prosecution.

How such penalty may be levied.

E

CANADA.

Offender may be committed in default of payment.

marked (A); and in default of payment of such fine and costs as aforesaid, by such offender or offenders, and if no goods and chattels of such offender or offenders can be found whereof such fine and costs can be levied as aforesaid, it shall be the duty of the Justice or Justices before whom such conviction shall have been had as aforesaid, to commit such offender or offenders to the common gaol of the district as aforesaid, for a term not exceeding thirty days, unless the fine and costs are sooner paid.

Duty of the constable to whom any warrant shall be addressed under this Act.

VII. And be it enacted, that it shall be the duty of any constable to whom such Justice or Justices as aforesaid shall direct his or their warrant against the goods and chattels of any offender or offenders under this Act, within forty-eight hours after the receipt by him of such warrant, to seize of the goods and chattels of such offender or offenders named in any such warrant, sufficient to make the amount of the fine and costs, and to give a list of such goods and chattels so seized, signed with his hand, to the owner thereof; upon which list the said constable shall endorse a notice to the said owner or owners of the time and place at which the said goods and chattels will be sold if the said fine and costs are not sooner paid; and at the expiration of the time mentioned in such notice (which shall not be less than eight nor more than sixteen days), it shall be lawful for the said constable to proceed to sell the said goods and chattels and make the amount of the fine and costs, returning the overplus, if any, to the owner or owners of the said goods and chattels; and the said constable shall within forty-eight hours after any such sale pay over the said fine and costs to the Justice or Justices from whom the said warrant was received.

Fees to a constable employed under this Act.

VIII. And be it enacted, that every constable acting under the authority of this Act, shall be entitled to the following fees, and no more; which fees, in case of a sale of the offender's goods and chattels, the said constable is hereby authorised to add to the amount mentioned in any warrant delivered to him to be executed, viz.: for every levy three shillings and sixpence; for bill of goods seized, and notice, five shillings; every sale, five shillings: Provided always, that in case of any offender or offenders under this Act being committed to the gaol of the district, in default of goods and chattels to satisfy the fine and costs, the constable, for conveying such offender or offenders to gaol, shall be entitled to receive the sum of five shillings for every such offender committed, and four pence a mile for every mile he shall be necessarily obliged to travel to convey such offender or offenders to prison; which fees shall be paid by the treasurer of the district to such constable upon the certificate of the Justice or Justices before whom such conviction was had.

Proviso.

Fee for conveying the offender to gaol.

How paid.

Application of penalties.

IX. And be it enacted, that of all fines levied or collected, or to be levied or collected by virtue of this Act, one-half shall belong to the informer, and the other half shall be paid into the hands of the treasurer of the district in which the conviction shall have been had, to and for the public use thereof.

Twenty-Mile Pond, Louth.

X. And whereas it is expedient and necessary more effectually to provide for the preservation of fish in the Twenty-Mile Pond in the Township of Louth, in the District of Niagara, and to make regulations concerning fishing in the said Twenty-Mile Pond: Be it enacted, that it shall not be lawful for any person whomsoever to take or catch, or attempt to take or catch, by setting any net or nets, wear or wears, any fish in the aforesaid Twenty-Mile Pond, nor to take or catch, or attempt to take or catch, any fish therein otherwise than with spear, hook, or line.

SCHEDULE A.

Form of a Warrant of Distress.

District of

To A. B., a constable for the _____ of _____, Greeting:—

Whereas C. D., of _____, in the District of _____, was, on the _____ day of _____ now last [*or instant*], convicted before me [*or us*] of having [*here state the offence concisely*] against the form of the Statute in such case made and provided, and hath therefore by me [*or us*] been condemned to forfeit and pay the sum of _____ currency, and costs, which said penalty hath not been paid, and the same remains to be levied in the manner by law provided; You are therefore commanded to levy of the goods and chattels of the said C. D., which shall be found within the said District of _____, the said sum of _____, and your lawful fees, and to have this warrant and the said sum of _____, before me [*or us*] on or before the _____ day of _____ next [*or instant, allowing the time mentioned in the Act*], or otherwise, then and there to certify to me [*or us*] of the reasons why the same shall not have been so levied.

Given under my [*or our*] hand [*or hands*] and seal [*or seals*], this day of _____, in the year one thousand eight hundred and _____

Signature,
or (L.S.)
Signatures.

16 VICT., CAP. XCII.

An Act relating to the Fisheries on the Labrador and North Shore of the Gulf of St. Lawrence.

16 Vict., c. 92.

[Assented to April 22, 1853.]

Whereas the whale, seal, cod, mackerel, herring, and other fisheries in the Gulf of St. Lawrence, are of great importance to Her Majesty's subjects in this province, several of whom, concerned in those fisheries, have been of late years by strong hand prevented by persons residing on or frequenting the Labrador or north shore of the said Gulf, from making on the coasts thereof and islands contiguous thereto, although uninhabited and waste, the temporary buildings, try-houses, sheds, stages, flakes, and other erections necessary to the carrying on of those fisheries, but who, nevertheless, in the lawful pursuit of such fisheries, have, as British subjects, a right to land and construct such erections on the waste and unoccupied parts of the coast, not disturbing nor interfering with previous occupants, and are entitled, as pursuing an important branch of public and national industry, to protection, and every facility which, without injury to planters and those permanently settled on the coast, the various localities on the said coast and islands contiguous thereto afford, and it therefore is expedient to declare and enact as hereinafter it is done: Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled "An Act to reunite the Provinces of Upper and Lower Canada, and for the "government of Canada," and it is hereby declared and enacted by the authority of the same, that all and every Her Majesty's subjects carrying on or concerned in the whale, seal, cod, and other fisheries in the Gulf of St. Lawrence, shall peaceably have, use, and enjoy the freedom of taking bait and of fishing in any and every river, creek, harbour, or road, with liberty to go on shore on any part or parts of the Labrador or north shore of the Gulf of St. Lawrence, and upon any islands contiguous thereto, within the limits of the province on the Gulf shore or Labrador, for the purposes of the whale and other fisheries, and for salting, curing, and drying fish there, to cut wood for making and repairing stages, flakes, hurdles, cook-rooms, and other purposes necessary for preparing their oil and fish for exportation, or that may be useful to their fishing trade, without hindrance, interruption, denial, or molestation from any person or persons whomsoever: Provided that such river, creek, harbour, or road be navigable by boats and craft usually employed in the fisheries, and as such not private property, and the land upon which such wood may be cut be unconceded by the seignior, or proprietor of the seignior, within which the same is situated, or, if conceded, remains unimproved or unoccupied at the time when such wood is cut for the aforesaid purposes.

Preamble.

All Her Majesty's subjects to have certain privileges on the said shore and in the said Gulf.

Proviso.

II. And be it enacted, that the master and commander of every vessel fitted out from the United Kingdom of Great Britain and Ireland, or any of the dominions thereunto belonging, for the whale, cod, or other fisheries, may take possession of so much of the unconceded beach of any of the islands of the said Labrador, or of any unoccupied beach on the mainland thereof within the limits of the province, as may be necessary for trying his blubber and rendering the same into oil, or for curing his fish and preparing it for exportation, and to retain and enjoy the same so long as he shall not leave it unoccupied for the space of twelve calendar months, in which case it shall be lawful for any other person or persons to take possession thereof, in part or the whole, for the same purposes and on the same condition: Provided that such beach be not private property, pursuant to a concession or title-deed therefor from the seignior, or proprietor of the seignior, to which the same may appertain or be held by virtue of a location certificate from the Crown, or title derived therefrom: Provided also, that such new occupier shall, when thereunto required by the preceding possessor or his lawful attorney, such demand being made within one year after possession taken, pay him for such part of the flakes and stages as such new occupier shall have taken possession of: And provided further, that the said preceding possessor, not having been paid as aforesaid, may remove any building or other improvement erected or made by him on the unoccupied beach aforesaid, so that such removal be not made during and before the close of the fishing season in which the new occupier shall have taken possession.

Masters of British vessels may take possession of ground for certain purposes.

Proviso.

Proviso.

Proviso.

III. Provided always and be it enacted, that nothing herein contained shall be construed or held in any wise to alter, prejudice, or affect the rights of Her Majesty, her heirs or successors, or of any body corporate or politic, person or persons whomsoever, other than those to whom this Act may relate.

Rights of Her Majesty, &c., not affected.

IV. And be it enacted, that this Act shall be in force until the first day of May, one thousand eight hundred and fifty-six, and no longer.

Duration of this Act.

CANADA.

18 VICT., CAP. CXIV.

18 Vict., c. 114.

An Act for the protection of Fisheries in Lower Canada.

[Assented to May 30, 1855.]

Preamble.

Whereas it is expedient to provide against the destruction of salmon, maskinongé, and trout fisheries in Lower Canada, which would result from a continuance of the present practices of killing and taking those fish during the spawning season, and with stake or barrier nets, and by the aid of artificial lights at night: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled "An Act to reunite the Provinces of Upper and Lower Canada, and for the government of Canada," and it is hereby enacted by the authority of the same, as follows:

Certain fish to be killed only at certain times in Lower Canada.

I. It shall not be lawful to take or kill any salmon, maskinongé, or trout, or to buy, sell, or possess any salmon, maskinongé, or trout taken or killed in any river, lake, or stream in Lower Canada, between the first day of October in any year, and the first day of February following.

They shall not be taken in certain ways.

II. It shall not be lawful at any time to take or kill salmon, maskinongé, or trout in any river, lake, or stream in Lower Canada, by means of stake nets or barrier nets, or any other self-acting machine, nor by the aid of torch-light or any other artificial light: Provided always, that during the months of June, July, and August in every year, the proprietors of salmon fisheries may take and kill salmon by means of nets other than stake or barrier nets, and having meshes of at least two inches in diameter each.

Proviso: in favour of proprietors of fisheries.

Penalty for contravention.

III. Every offender against any of the provisions of this Act shall for each offence incur a penalty not exceeding two pounds ten shillings, currency.

18 VICT., CAP. CXLIV.

18 Vict., c. 144.

An Act to prevent the taking of Trout with Nets in the Lakes of the County of Saguenay.

[Assented to May 19, 1855.]

Preamble.

Whereas it is highly desirable that the trout now found in the lakes and streams in the county of Saguenay, should be preserved from the destruction with which they are threatened by the pernicious practice of fishing with seines or other nets: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled "An Act to reunite the Provinces of Upper and Lower Canada, and for the government of Canada," and it is hereby enacted by the authority of the same, as follows:

Trout not to be taken with nets in county of Saguenay.

I. After the passing of this Act no person shall, at any season of the year, take or attempt to take any trout in any of the lakes or waters in the county of Saguenay, with any seine-net, gill-net, or other kind of net whatever, or stretch, place, or use such net in any of the lakes or waters in the said county, or catch or attempt to catch any trout therein by other means than by hook and line, or with a spear: Provided always, that the words "waters in the said county," shall not apply to the waters of the River St. Lawrence.

Proviso.

Penalty for contravening this Act.

II. Each and every person offending against the provisions of this Act shall, for the first offence, incur a penalty of not less than twenty shillings, and not more than five pounds, and for a second or any subsequent offence a penalty of not less than thirty shillings, nor more than ten pounds, in the discretion of the magistrate before whom he shall be convicted; and such penalty shall be recoverable with costs on complaint before any one Justice of the Peace, on the oath of any one credible witness other than the informer or prosecutor, or on the oath of such informer or prosecutor, if he shall renounce all share of the penalty, and shall, if not forthwith paid, be levied by distress and sale of the goods and chattels of the offender on the warrant of such Justice, or if the offender have no known goods and chattels whereon the penalty can be levied, then, if the penalty be not forthwith paid, he may be committed to the common gaol of the district, for a time not less than eight days nor exceeding fifteen days, unless the penalty and costs be sooner paid; and one moiety of such penalty shall belong to the Crown for the public uses of this province, and the other moiety to the informer or prosecutor, unless he shall have renounced his right to such moiety, in which case the whole of such penalty shall belong to the Crown for the uses aforesaid.

How recoverable.

Application of penalty.

Extract from the Lower Canada Municipal and Road Act of 1855, 18 Vict., cap. 100,
sec. xix, 7.

XIX. Every County Council shall also have power and authority to make, and from time to time amend or repeal, a bye-law or bye-laws for all or any of the following purposes, that is to say :

7. For regulating fisheries carried on either upon the sea-shore or upon any waters adjacent to or passing through the county.

The Government are not aware that any Municipal Council has as yet passed any regulations on the subject of Fisheries.



NEW BRUNSWICK.

NEW BRUNSWICK.

NEW
BRUNSWICK.

No. 2.

No. 2.

Copy of a DESPATCH from Lieutenant-Governor the Hon. H. MANNERS
SUTTON to Secretary Sir G. GREY.

Government House, Fredericton, New Brunswick,
November 16, 1855.

(No. 32.)

SIR,

(Received December 3, 1855.)

1. IN accordance with the instructions contained in the despatch marked in the margin,* I have the honour to forward to you a collection, duly authenticated by the signature of the Attorney-General of the Province, of the Laws and Regulations for the Government of the Fisheries in this part of Her Majesty's Dominions.

2. The Regulations issued by the Corporation of the City of St. John for the Government of the Fisheries in the Harbour of St. John, are included in this collection. But these fisheries cannot be placed in the same category as the fisheries in the other harbours of the province, for the Charter of the City of St. John vests in the freemen and inhabitants of the city the sole right and title to the fisheries in the Harbour of St. John.

3. You will observe, Sir, that the power which is (by the provisions of cap. 64, title 8, of the Revised Statutes) vested in the justices in sessions to make regulations for the government of the fisheries in the rivers and harbours of their respective counties, is a power subject to no control on the part of the Executive Government of the province.

The law does not require the assent of the Government to these regulations, nor is it even legally necessary that copies of the regulations, when adopted by the justices in sessions, should be forwarded to the Government.

4. It appears to me that, under any circumstances, the regulations which, although of a local character, govern public fisheries, should be preliminarily submitted for the consideration and approval of the Provincial Government; and the recent admission of the citizens of the United States to a participation in the right of fishing within the harbours of this province (the fisheries in which are governed by these regulations), renders it in my opinion highly desirable that the defect in the law to which I now refer, should be speedily remedied.

I have called the attention of my Council to this subject, and I trust that the next session of the Provincial Assembly will not pass without legal provision being made for the preliminary submission to the Government of any local regulations affecting the public fisheries in the province.

I have, in accordance with the instructions which I have received from the Secretary of State, forwarded to each of the Governors of British North America, a collection, duly authenticated, of the laws and regulations which govern the fisheries in this province.

I have, &c.

(Signed)

J. H. T. MANNERS SUTTON.

The Right Hon. Sir G. Grey,

&c. &c. &c.

* Right Honourable Sir W. Molesworth to the Honourable J. H. T. Manners Sutton, August 3, 1855, No. 5.

Enclosure in No. 2.

NEW
BRUNSWICK.

Encl. in No. 2.

I certify the annexed copies of Laws and Regulations relating to the fisheries to be complete and authentic copies of the Laws and Regulations relating to the fisheries now in force in the Province of New Brunswick.

Fredericton, October 25, 1855.

CHARLES FISHER.

LEGISLATION OF NEW BRUNSWICK on the subject of FISHERIES.

THE several Courts of General Sessions of the Peace in this Province are empowered to ordain rules and regulations for the fisheries of their respective counties, by the Act of 13 Vict., cap. 30, intituled "An Act to consolidate and amend the Laws relating to the Local Government of Counties, Towns, and Parishes in its province."

This Act repeals all former Acts concerning fisheries, and confers upon the several Courts of General Sessions of the Peace "full power and authority from time to time to make, revise, alter, amend, and enforce all rules such as may be by them deemed necessary and proper for the following purposes, namely:" *inter alia*, "for the regulation of the fisheries, and of seines, nets, and fish wears, within the rivers and harbours." Article II of this Act provides that "no such rules shall be of any force or effect which are repugnant to the provisions of any Act of the Legislature relating to the subject-matter thereof;" and Article III authorises the ordainment of "forfeitures, and imposition of fines and penalties to the amount of ten pounds." This Act has been repealed by Cap. 162 of the Revised Statutes, the 10th section of which nevertheless providing that "all rules and regulations made under any Act before the repeal thereof, shall continue valid until altered or annulled."

The rules and regulations furnished by the Clerks of the Peace, and hereto annexed, appear to have been made under the authority of the 13th Vict., cap. 30. The regulations for the harbour fisheries of the City of St. John are made under the authority of the Royal Charter of that city, dated May 18, 1785, which directs that "the fisheries between high and low-water mark, along the east side of the said bay, river, and harbour, shall be, and for ever remain to and for the sole use, profit, and advantage of the freemen and inhabitants of the said city, on the east side of the said harbour, and that they, the freemen and inhabitants of the said city, on the east side of the said harbour, shall and may, by virtue hereof, have and enjoy the sole fishing, hauling the seine, erecting wears, and taking fish between the said high and low-water mark, on the said east side, to the total exclusion of all and every the freemen and inhabitants of the west side of the said harbour, and all others, under any pretence whatsoever;" and that the fisheries between high and low-water mark on the west side of the said bay, river, and harbour (except those on and surrounding Navy Island, which shall be and remain to all the inhabitants of the said city in common), shall be and remain for ever, to and for the sole use, profit, and advantage of the freemen and inhabitants of the west side of the said bay, harbour, and river, and they the freemen and inhabitants of the said city on the west side of the said harbour, shall and may, by virtue hereof, have and enjoy the sole fishing, hauling the seine, erecting wears, and taking the fish between the said high and low-water mark on the said west side, to the total exclusion of all and every the freemen and inhabitants of the east side, and all others, under any pretence.

REVISED STATUTES. CAP. 101.

OF THE SEA AND RIVER FISHERIES.

I. The Governor in Council may appoint two wardens of the fisheries in any county, who shall watch over and protect the fisheries; enforce the provisions of this chapter, the rules of the Justices in session or municipal authorities, and the regulations of the Governor in Council in relation to such fisheries; and they shall be subject to the directions of, and liable to the penalties imposed by, the Governor in Council in the regulations for misconduct or neglect of duty.

II. Each warden, in addition to the proportion of any penalty received under this Chapter, shall receive from the Provincial Government forty pounds per year for his services; the same shall not be drawn until it be certified to the Governor in Council that the county for which he may have been appointed has provided a similar sum for that purpose.

III. The Justices in session, or at any special session if called for that purpose, for any county to which any warden may have been appointed, may assess the inhabitants of the said county for the sum of forty pounds for each warden, which shall be assessed, collected, and paid as other rates.

IV. Nothing in this Chapter shall prevent the warden from being a competent witness for the recovery of any penalty therein mentioned.

V. The Governor in Council may grant leases or licenses for occupation, for a term not exceeding five years, for fishing-stations on ungranted shores, beaches, or islands, which shall terminate when such stations ceased to be used for such purpose; no station shall occupy the whole of a locality when there may be space for more than one: when application is made for any such station, the lease or license therefor shall be sold at public auction, after thirty days' notice, the upset price being determined by the Governor in Council, but the rights of parties in lands and privileges shall not be affected thereby.

VI. The Governor in Council may make regulations for the management and protection of the fisheries on the sea-coast, or around any island of the said coast, between low-water mark and three marine miles, imposing no greater penalty thereby than fifteen pounds, nor any larger imprisonment than ten days. The regulations shall be published in the "Royal Gazette."

VII. The wardens of any county shall, when necessary, mark out and designate in proper stations "gurry grounds," putting up notices thereof, describing their limits and positions, in the several schoolhouses and other most public places in the parish where the said "gurry grounds" are marked out, publishing the like notice in the "Royal Gazette;" and no person, after such posting and publication, shall cast overboard from any boat or vessel the offal of fish into the waters at or near the said parish, at any place except the said "gurry grounds."

VIII. In every dam built, or which may be built, across any stream or river, except where fish may not resort, a proper and suitable fish-way shall be made and kept, the wardens having jurisdiction determining the exception.

IX. No slabs, edgings, or other mill rubbish, sawdust excepted, shall be allowed, or put in any stream or river.

X. No salmon shall be taken on the coast, or in any of the bays, rivers, or harbours, or in any fresh-water stream or river, after the thirty-first day of August, in any year, nor between sunset on any Saturday night and sunrise on the following Monday morning, nor in any place at any time by spearing, between the thirty-first day of August in any year and the first day of April ensuing, nor shall any person sell, or offer for sale, or purchase, between the said last-mentioned days, any salmon taken by spearing.

XI. Angling for salmon shall be permitted until the fifteenth day of September in each year.

XII. Within the parishes of Grand Manon, West Isles, Campo Bello, Pennfield, and Saint George, in the county of Charlotte, no seine or net shall be set across the mouth of any haven, river, creek, or harbour, nor in such place extending more than one-third the distance across the same, or be within forty fathoms of each other, nor shall they be set within twenty fathoms of the shore at low-water mark.

XIII. Every fish-weir in the parishes named in the preceding section, dry at low-water mark, or which, in the opinion of the wardens, requires a gate, shall have a gate therein, of such width and in such position as they may determine.

XIV. The wardens and overseers of the fisheries in the parishes named in Section XII, shall severally seize and remove any net or obstruction whatever, set or placed contrary to the provisions of this chapter, and after five days' notice may sell the same, together with any fish found therein, in some public place, in the parish where the seizure is made; after deducting from the proceeds the charges of seizure and sale, the residue shall be applied to the payment of any penalty incurred under this chapter, and any overplus to the overseers of the poor where the offence was committed.

XV. No herrings shall be taken between the fifteenth day of July and the fifteenth day of October in any year, on the spawning-ground at the southern head of Grand Manon, to commence at the eastern part of Seal Cove, at a place called Red Point, thence extending westerly along the coast and around the southern head of Bradford's Cove, about five miles, and extending one mile from the shore: all nets or engines used for catching herring on the said ground within that period, shall be seized and forfeited, and every person engaged in using the same shall be guilty of a misdemeanour, and punished accordingly.

XVI. Any owner or occupier of any fish weir violating the provisions of Section XIII of this chapter shall forfeit five pounds for each day's neglect, after due notice.

XVII. Any person guilty of a breach of the provisions of Section VII of this chapter, shall pay a fine for each offence not exceeding five pounds, nor less than ten shillings.

XVIII. The penalties in Section XVII, when recovered, shall be paid to the prosecutor.

XIX. Any person guilty of a breach of the provisions of Section XII, shall, for the first offence, forfeit five pounds; for the second, ten pounds; and for any subsequent offence fifteen pounds; one-half to be paid to the prosecutor, the other to the overseers of the poor, for the use of the poor where the offence was committed.

XX. Any person guilty of a breach of any of the provisions of Sections VIII and IX, shall, for each offence, pay a fine not exceeding fifteen pounds, nor less than ten shillings.

XXI. Any person guilty of a breach of any of the provisions of Section X, shall, for each offence, forfeit the sum of ten shillings.

XXII. All fines and penalties under this chapter, not otherwise disposed of, when recovered shall be paid into the county treasury, and appropriated one-half to the warden who may have prosecuted the same, the other half to the use of the said county.

The sixty-fourth chapter of the Revised Statutes, intituled "For Rules and Regulations," continues to the several Courts of General Sessions of the Peace the same powers which were vested in them by the 13th Vict., cap. 30.

"Section I. The Sessions, in addition to the powers otherwise conferred upon them, may make regulations for the following purposes, namely, *inter alia*,—

"XI. For the regulation of the fisheries, and of seines, nets, and fish weirs within rivers and harbours."

CITY OF ST. JOHN.

CITY ORDINANCE.

A LAW relating to the Fisheries of the City of St. John.

I. Be it ordained, by the Mayor, Aldermen, and Commonalty of the City of St. John, in Common Council convened, that the fourth, tenth, and eleventh sections of a Law intituled "A Law to regulate the Fisheries within the limits of the City of St. John," and also a Law intituled "A Law to amend a Law to regulate the Fisheries within the limits of the City of St. John," be, and the same are hereby repealed: Provided that all proceedings had and commenced under the provisions of any of the said sections shall be continued under this Law.

II. And be it ordained, that there shall be from time to time appointed by the Common Council of the said city two or more fit persons, not employed as fishermen, to be Directors of the Fisheries for the east side of the harbour, and two or more fit persons, not employed as fishermen, to be Directors of the Fisheries for the west side of the harbour of the said city, which Directors shall be sworn to the faithful discharge of their duty, and to act until others are appointed in their stead; and that in the event of any vacancy happening from time to time among the Directors by death, resignation, or otherwise, it shall be lawful for the said Common Council, if they see fit, to appoint a fit person to fill any such vacancy, provided that the Directors heretofore appointed shall act under this Law until others are appointed.

III. And be it ordained, that the choice of places for setting nets for the catching of fish on and surrounding Navy Island shall be determined by lot annually, in the manner heretofore accustomed, and that the choice of places for setting such nets on each side of the bay, river, and harbour, respectively, shall be drawn for annually by the freemen of the said city, being inhabitants, and by the widows of freemen, being inhabitants, in the manner heretofore accustomed, at some convenient time to be appointed by the Common Council; and the Directors for each side, respectively, shall give fourteen days' public notice, by advertising in one of the city newspapers, of the time and places for receiving the names and for holding the drafts for each side; and the said Directors shall forthwith, after the said drafts, deposit the respective books or records thereof in the office of the Common Clerk; and that the places for setting the said nets, respectively, agreeably to such drafts, shall, at some convenient time thereafter before the first day of March in each year, be laid out in lots, and allotted by the Directors for each side respectively, in the manner heretofore accustomed; and the said Directors for each side, respectively, shall measure off with a chain and stake one side of the said lots, in the manner heretofore accustomed, and if thereto required, at any time by any person claiming or interested in any such lot or lots, shall measure off and point out the marks and bounds of any such lot or lots; and that every person so drawing, or his assignee, shall have the sole right of

setting a net or nets during the year in the place or lot which he shall choose, by virtue of such draft, and which shall be so laid out and allotted agreeably to such choice, and no person or persons other than the person so drawing, or his assignee, shall set, or cause to be set, any net or nets, or erect, or cause to be erected, any weir or weirs upon or over such lot so allotted to any such person so drawing, or his assignee.

IV. And be it ordained, that in the construction of this Law all that part of Courtney Bay, and of the shore and flats thereof lying within the limits of the said city, shall be deemed to be included in and form part of the east side of the harbour.

V. And be it ordained, that the person so choosing shall pay to the Directors the sum of one shilling and sixpence for each and every lot so laid out and allotted by them; and any person or persons who may require any such marks and bounds to be measured off and pointed out, shall pay to the Directors measuring and pointing out the same the sum of one shilling and sixpence for each and every lot of which they shall so measure off the marks and bounds.

VI. And be it ordained, that it shall be the duty of the said Directors for each side respectively, immediately after the closing of the books on the last day of receiving the names, to hand the said books to the Mayor or Recorder, who, with any two or more of the Aldermen or Councillors of the said city, shall examine the same, and strike out all such names as have no right to be inserted in the draft; and if any Director shall suffer the name of any person not entitled thereto to be inserted in any fishery draft after such examination, he shall forfeit and pay the sum of five pounds for each and every offence.

VII. And be it ordained, that in case any name or names shall be inserted in any draft which ought not to be inserted, such draft shall not thereby be rendered void or made over again, but the name or names improperly admitted shall be struck out, by order of the Mayor or Recorder and any two of the said Aldermen and Councillors, and the number drawn by any such person whose name shall be improperly admitted shall fall to the person drawing the next inferior number, and his to the next, and so on, in succession.

VIII. And be it ordained, that no such draft on receiving names, or laying out or allotting of the said lots or any of them, or measuring or staking off any such lots or lot, shall be void by reason of the absence therefrom or non-attendance thereat at any time of any one Director or Directors, or by reason of the neglect or refusal of any such Director or Directors to be sworn or to act at any time or times after having been sworn, or by reason of all or any of such Directors acting without having obtained his or their warrant of appointment; but in any such case it shall and may be lawful for the Director or Directors who may be present to act or continue in the execution of the duties of his or their office with as full powers and authorities in every respect as the whole of the Directors appointed for that side of the harbour could or would have if they had all received their warrants of appointment, and had been sworn, and were then and there all present and acting, and the action of such Director or Directors so acting shall be final.

IX. And be it ordained, that if any person or persons shall set, or cause to be set, any net or nets, or erect, or cause to be erected, any weir or weirs contrary to or so as to interfere with the regulations of this Law, for setting or erecting the same every such person shall, for each and every of the said lots on and over which he shall so set, or cause to be set, any net or nets, or erect, or cause to be erected, any weir or weirs, forfeit and pay the sum of forty shillings; and if any net or nets so set, or any weir or weirs so erected, shall be suffered to remain, or shall remain so set or erected for a longer period than the day on which the same shall be so set or erected, the sum of five pounds; and in case any such net or weir shall remain so set or erected for two days subsequent to the day on which the same shall be set or erected, the sum of ten pounds; and for each and every such subsequent day more than two days, the further sum of five pounds for every such lot on or over which any such net or weir shall remain so set or erected.

X. And be it ordained, that all the fines, penalties, and forfeitures imposed in and by this Law shall and may be sued for, prosecuted, and recovered by and in the name of the Chamberlain of the said city for the time being, upon conviction of the offender before the Mayor or Recorder, or Police Magistrate, or any one of the Aldermen of the said city, upon the oath of one or more credible witness or witnesses, the confession of the party offending, or the view of the said Mayor or Recorder or Alderman before whom such conviction shall be had, or by action of debt in any Court of competent jurisdiction to be prosecuted, or in any other lawful method, to be obtained in the manner and for the uses directed in and by the charter of the said city, and shall and may be levied by distress and sale of the goods and chattels of such offender, by warrant under the hand and seal of the said Mayor or Recorder or Aldermen, as aforesaid; and in case sufficient goods cannot be found whereon to levy, the said offender shall be committed to the common gaol of the city and county of St. John, there to be imprisoned for the space of ten days when the fine shall be forty shillings, or twenty days when the fine shall be five pounds, or forty days when the fine or sum shall be ten pounds.

In witness whereof the said Mayor, Aldermen, and Commonalty of the City of St. John have caused the common seal of the said city, under the hand of the Mayor, to be affixed, this second day of January, in the year of our Lord one thousand eight hundred and fifty-five.

(Signed) JAS. OLIVE, Mayor.

By order of the Common Council.

(Signed) JAS. R. REED,
Deputy Common Clerk.

COUNTY OF ST. JOHN.

At a Court of General Sessions of the Peace of our Lady the Queen, held at the Court House in and for the city and county of St. John, on Saturday, the first day of April, in the year of our Lord one thousand eight hundred and fifty-four; ordered that the following rules and regulations be made and established in pursuance of the authority vested in the General Sessions by the Act of Assembly 13 Vict., cap. 30.

Rules for the Regulation of the Fisheries, and of Seines, Nets, and Fish-Weirs within the Rivers and Harbours of the County of St. John.

I. If any person or persons shall hereafter erect or set up any hedge, weir, fish-gorth, or other incumbrance, or place any seine or scines, net or nets, across any river, cove, creek, or harbour within this county in such manner as to obstruct, injure, or hurt the natural course of the fish in any river or place where they usually go, such person or persons shall, upon due conviction thereof upon the oath of one or more credible witness or witnesses before any Justice of the Peace for this city and county, forfeit and pay for each and every offence a sum not exceeding ten pounds; such fine to be levied by warrant of distress and sale of the offender's goods and chattels, and in default of sufficient distress, that he or they may be committed to the common jail for any period not exceeding four calendar months, or until such fine as may be imposed upon him or them be sooner paid.

II. No net shall be set longer than twenty fathoms in the main River St. John or in the Kennebecasis, or extend more than twenty fathoms into the said rivers, or more than one-fourth part of the width of the water between the shores on the sides of the said rivers, or any islands or sand-bars in the said rivers; and in any branches of the said rivers, not more than one-fourth of the width of the branch where such net shall be so set, and that no drag-net nor seine shall be used in either of those rivers, or in the branches thereof, more than one-fourth of the width of such river or branch, under a penalty not exceeding ten pounds, such penalty to be recovered as in the preceding section.

III. No net shall at any time be set or remain in the water, nor any seine be drawn, nor any salmon speared, in any part of the county of St. John, between the time of sunset on Saturday and sunrise on Monday, and no nets shall be placed within fifty feet of each other, measured upon a straight line running parallel, or as near as may be, with the adjacent shore, under a penalty not exceeding ten pounds, such penalty to be recovered as in the preceding sections.

IV. Any person or persons who shall wilfully, or maliciously, or through gross negligence, damage any boats, nets, seines, or apparatus of any kind belonging to any person or persons lawfully employed in taking fish, such person or persons shall, after due conviction thereof upon the oath of one or more credible witness or witnesses before any Justice of the Peace for this city and county, forfeit and pay a sum not exceeding twenty pounds, such penalty to be recovered as in the preceding sections.

V. All fishing berths and stations in the county of St. John shall be sold yearly at public auction, the proceeds thereof to go towards the payment of the overseers or wardens of the different parishes, and all fines to be paid, one half to the overseers or wardens, and the remainder, together with all moneys arising from sales under seizures as above specified, be applied for the protection of the fisheries in this county; any surplus money to be paid into the hands of the County Treasurer for such uses and purposes as the Sessions may think fit.

VI. Two or more overseers or wardens shall be appointed annually by the Sessions for each parish, whose duty it shall be to see these regulations properly carried out, and shall have full power and authority to seize and sell or destroy any apparatus or fish-nets used, or about to be used, in catching or taking fish in this county, and shall be considered competent witnesses in any prosecution under these regulations.

By order of the General Sessions.

(Signed) JAMES R. RUEL,
Deputy Clerk of the Peace.

COUNTY OF WESTMORLAND.

REGULATIONS FOR NETS.

Westmorland General Sessions,
December Term, 1854.

Ordered, that no person be permitted to set a net on any of the flats bare at low water within the county to a greater extent in any one place than one hundred fathoms in length, nor shall any person put down any net on any of the said flats adjoining any net previously set by any other person nearer than fifty rods to the net so previously set. Any person offending against either of the above regulations shall be subject to a penalty of not less than forty shillings, nor more than five pounds.

From the Records :

(Signed) E. B. CHANDLER,
Clerk of the Sessions, Co. Westmorland.

COUNTY OF KENT.

Kent General Sessions of the Peace,
January Term, 1851.

RULES and REGULATIONS made under 13 Vict., cap. 30, respecting Fisheries in the County of Kent.

I. No net or seine to be set between the blocks of any bridge over any of the rivers or streams in this county, to impede the passage of the fish through the same, up or down the stream, under the penalty of five pounds.

II. No net or seine to be set more than two-thirds across the channel of any river or stream in the county, under a penalty of five pounds.

III. No net or seine shall be set or remain in the water between the time of sunset on Saturday night, and sunrise on Monday morning. Any net or seine that may be found set contrary to these regulations, to be seized by the overseer of the fisheries, and the net or seine, together with any fish found therein, to be forfeited and sold by the overseer of the fisheries.

If any overseer of the fisheries neglect his duty, he shall forfeit therefor the sum of twenty shillings; and it shall be lawful for any sheriff or constable, upon being called upon by any person, to act and have the same powers as the overseer of the fisheries. One moiety of all penalties recovered under these regulations shall go to the overseer of the fisheries, the other moiety to be paid to the overseer of the poor of the parish.

Extract from the Minutes :

(Signed) J. W. WELDON, Clerk of Sessions.

COUNTY OF GLOUCESTER.

FISHERIES.

At a Court of General Sessions of the Peace of Our Lady the Queen, held at the Court House in Bathurst, in and for the county of Gloucester, on Tuesday the fourth day of January, in the sixteenth year of the reign of Our Sovereign Lady Queen Victoria, and in the year of Our Lord one thousand eight hundred and fifty-three—

Ordered, that the following rules and regulations be made and established, in pursuance of the authority vested in the Sessions by the Act of Assembly, 13 Vict., cap. 30, for the regulation of the fisheries, and of nets, seines, and fisheries within the rivers and harbours of said county :—

I. Ordered that the salmon fishery with nets shall terminate on the thirty-first day of August in each year, and that no net be allowed to be set after that day under the penalty of five pounds per day for each day such net shall remain set contrary to this regulation.

II. Ordered, that no net shall be set or used for the catch of salmon within the harbour of Bathurst, or any middle or flat, or in any channel between Mr. Read's mills, so called, and the points called Alstone and Carron Points; or between Cunard's Wharf, so called, and the Points; or on any part of the Tettagouche or Middle Rivers. Nor shall

any net be set or used on any part of the Big Nipisigind river, above John Swanton's Bateman's Brook, under a penalty of five pounds per day.

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III. Ordered, that all nets shall be set from the shore or banks of said river, and that no net shall be set on or from any middle ground, under the penalty of five pounds for each offence.

IV. Ordered, that nets set in the Big Nipisigind river, on either side, within three hundred yards up stream of the southern extremity of the middle ground, shall extend no further into the river than a distance equal to one-third of the breadth of the northern or southern channel, according to the side of the river on which the said net may be set, and that no net shall be set further into the said river than a distance equal to one-third the breadth of the channel into which the said net may be set, under the penalty of five pounds for each and every offence.

V. Ordered, that no salmon-nets shall be used of less than five and a-half inches mesh, under a penalty of five pounds.

VI. Ordered, that all salmon-nets shall have the name of the owner legibly marked, branded, or scribed, on three pieces of wood or metal attached to the same, and that such marks shall be preserved on the said net during the fishing season, under the penalty of two pounds for each and every offence.

VII. Ordered, that before any net shall be set for the catch of salmon in the Big Nipisigind river, the owner or owners, or persons interested in the same, shall cause a memorandum setting forth the name of the party interested, and the length of such net, with the particular location where the same is intended to be set, to be filed in the office of the Clerk of the Peace, who shall grant a certificate to the party of such registration, and that any net set before such registry shall be taken to be illegally set, and shall subject the owner to a penalty of two pounds per day for every day such net shall have been so set.

VIII. Ordered, that all pickets shall be removed from the said river by the fifth day of September in each year, under a penalty against the proprietor of the net for the use of which such pickets shall have been driven, of twenty shillings per day for every day such pickets may remain contrary to this rule.

IX. Ordered, that no salmon-nets shall be placed within less distance than fifty fathoms from each other, measured in a straight line, running parallel with the shore, in any part of the Big Nipisigind river, under a penalty of five pounds for every offence against the party who shall set his net within that distance of any net previously set: Provided always, that no person shall be deemed guilty of a violation of this rule for setting his net off his own land, when such person holds a possession of less front than fifty fathoms, nor to prevent any person or persons from setting more than one set of nets off his own land.

X. Ordered, that it shall not be lawful for any person or persons to drift or sweep for salmon with nets or seines, nor for any person or persons to spear salmon or grilse in any part of the River Nipisigind, or in any other river in the county of Gloucester, under the penalty of five pounds for each and every offence; and if any person or persons shall directly or indirectly buy, purchase, or barter for, or have, in his or their possession, any salmon so unlawfully speared or taken, he or they shall forfeit and pay for each and every salmon so taken the sum of ten shillings; and whoever shall sell or offer for sale any salmon so unlawfully taken, shall forfeit and pay for every salmon sold or offered for sale, the sum of ten shillings; and all canoes, spears, drift-nets, seines, torches, and salmon found, and all other implements found by the overseer or overseers of the fisheries, or other persons authorized to look after the fisheries, in the possession of any person spearing, drifting, or seining for salmon, or which such person may have abandoned on being pursued, shall be forfeited and sold at public auction, and the proceeds arising therefrom shall be paid and applied in like manner as the proceeds of other forfeitures are directed to be paid and applied by these regulations.

XI. Ordered, that no person or persons shall set any net or seine, or allow any net or seine to remain set in any part of the harbour of Bathurst or River Nipisigind, in the said county of Gloucester, for the taking of any fish whatever, between sunset on Saturday night, and sunrise on Monday morning, under the penalty against the owner or proprietor of every such net, of forty shillings for every offence against the rule, besides forfeiture of the nets.

XII. Ordered, that all nets set in the River Pokemouche or Tracadu, or the branches thereof, for the taking of "gaspereaux" or other fish, shall be set with the current, or up and down the river, parallel with the banks or shore, and not across the stream, under

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any pretence whatever, under a penalty against the owner of such net, of twenty shillings for every offence, or every day any net shall be set contrary to this rule.

XIII. Ordered, that all nets to be set for the taking and catching of gaspereau, in the said Rivers of Pokemouche or Tracadu, or the branches thereof, shall have the owner's or proprietors name legibly marked, branded, or scribed, on two pieces of wood or metal, and attached to such net during all the time it shall be so set, under the penalty of twenty shillings for each and every offence.

XIV. Ordered, that no gaspereaux shall be caught or taken in the Rivers of Pokemouche or Tracadu, or any of the bays or branches thereof, or in any other river of the county of Gloucester, after the fifteenth day of July in each and every year, under the penalty of five pounds for each and every offence, and all net-pickets shall be taken up on or before the twentieth day of July in each year, under the penalty of twenty shillings against the proprietor of the net for which they shall have been driven, for each and every day the same may remain set after that day.

XV. Ordered, that no person or persons shall, under any pretence whatever, erect, build, make, or set up, or make use of in any of the rivers of the said county, any brush or wooden weir or weirs, trap or traps, for the purpose of taking gaspereaux, shad, salmon, bass, or any other fish, under the penalty of five pounds for each and every offence.

XVI. Ordered, that in all cases where any fish-weir or weirs, trap or traps, shall be erected contrary to the provisions of these Rules, it shall be the duty of the overseer of the fisheries of the parish or district in which such weir or weirs, trap or traps, shall be so erected, and all other person or persons are hereby authorized and empowered immediately, or at any time hereafter, to pull down, remove, or destroy, such weir or weirs, trap or traps.

XVII. Ordered, that no person or persons shall, under any pretence whatever, sweep or drift for fish with any net whatever, in any river in the said county of Gloucester. under the penalty of five pounds for each and every offence.

XVIII. Ordered, that if any net, seine, weir, or drift-net, shall be found set, or in the act of being used, contrary to these Regulations, or any of them, it shall and may be lawful for any overseer of the fisheries, and they and each of them are hereby required forthwith to seize, take, and carry away the same, and deposit them in a place of safety, and if no owner shall appear and claim the same within six days after such seizure, such nets, seines, weirs, or drift-nets shall, together with all fish found therein, be forfeited and sold at public auction, and the proceeds arising from such sales shall be paid and applied one-half to the overseer of the poor of the parish, and the other half to the overseer of the fisheries making the seizure.

XIX. Ordered, that the overseer or overseers of the fisheries, and all and every other person or persons appointed to carry out and enforce these Rules, and protect the fisheries of this county, shall in all cases be a competent witness for the prosecution, and that any person prosecuting, or giving evidence on any prosecution for the recovery of any penalty or penalties under the provisions of these Rules, 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.

XX. Ordered, that all fines and penalties imposed by these Rules and Regulations, when they shall not exceed the sum of fifteen pounds, shall be recovered, with costs of prosecution, upon conviction before any two of Her Majesty's Justices of the Peace, and shall, when recovered, be paid and applied, one-half to the overseer of the fisheries, or informer who shall prosecute the same, and the other half to the overseer of the poor of the parish where such penalty shall be incurred, to be levied by distress and sale of the offender's goods and chattels, and if no sufficient distress shall be found, then the defendant shall be imprisoned in the county gaol for twenty days, unless such fine and penalty and costs of prosecution shall be sooner paid.

XXI. Ordered, that the several overseers of the fisheries shall, at every General Sessions of the Peace for the said county, render a just, correct, and satisfactory account of all sums of money or penalties received or recovered by them during the last half-year, and of all seizures made by them, and of how the same were disposed of, and the proceeds applied, and for what sum the same were sold, which account shall be accompanied by proper vouchers, and to be rendered upon oath.

By order of the Sessions.

(Signed)

THEOPHILUS DES BRISAY,
Clerk of the Peace, Gloucester.

COUNTY OF RESTIGOUCHE.

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FISHING REGULATIONS.

At a Court of General Sessions of the Peace for the County of Restigouche, held at the Court House in Dalhousie the fifth day of January, in the year of our Lord one thousand eight hundred and fifty-five, the following rules and regulations were entered into and passed:—

I. That no salmon-nets be set between the eastern boundary of the county of Restigouche and the town of Dalhousie, so as to extend into the water more than two hundred fathoms from low-water mark, to be established by the warden, or not to exceed that at common tides, nor have swing or side nets of greater length than twenty fathoms.

II. That between Dalhousie aforesaid and the first island above Old Church Point in the River Restigouche, no salmon-net shall extend into the water more than one hundred and fifty fathoms, nor have side-nets of greater length than twenty fathoms; this not to interfere with those set on the middle ground, further than that they are also restricted to one hundred and fifty fathoms in length, but, in all cases, at least fifty fathoms of channel must be left open and unincumbered.

III. That at and above the said island to the junction of the Tomcaguadavie river with the River Restigouche and its branches, one-third, at least, of the river shall be left open and unincumbered, the said unincumbered parts to include the deepest water and main channel thereof.

IV. That no salmon shall be killed in the Restigouche river, or any of its branches, in any manner whatever above the junction of the Tomcaguadavie with that river.

V. That no person or persons shall set nets so as to encroach on his western or upper neighbour, beyond where an extension of the division line between them would mark the boundary.

VI. That no seine-net or wear shall be set, drawn, or erected in any of the other fresh-water rivers in this county above the tide-way.

VII. That any person or persons setting nets, or otherwise fishing and killing salmon contrary to these rules and regulations, any one or more of them, shall forfeit and pay the sum of five pounds for the first offence, and for the second and every succeeding offence the sum of ten pounds, together with the costs of prosecution, to be paid, one half to the prosecutor, the other to the overseers of the poor, for the use of the poor where the offence was committed.

VIII. That, in addition to the said penalties, the party or parties so fishing or setting nets contrary to these rules shall remove and take up the same when required so to do by the fish-warden or overseer, and in case of any neglect or refusal, or in case no owner can be found, it shall be the duty of the said warden or overseer forthwith to remove the said nets, seines, or wears, and if no owner appears to claim property thereon, and pay expenses within three days, such net, seine, or wear, together with the fish, if any found therein, shall be forfeited and sold by such officer to defray expenses and satisfy the respective penalties, and the overplus, if any, shall be paid to the owner, if known, or, if not known, to the overseer of the poor of the town or parish where the offence was committed.

IX. That, where a lot of land has been divided amongst a family into portions, the occupier of each portion shall be entitled to set salmon-nets in the proportion that the water privilege thereof bears to that of the whole lot enjoying a fishing or water privilege and no more, provided no old or long-established fishing-stand be prejudiced thereby.

X. That, where salmon-nets are set on kellicks, from the impossibility of taking them up on Sunday, the warden be not required to enforce the law in that respect; but all persons are, notwithstanding, prohibited from taking fish or fishing such nets between sunset on Saturday night and sunrise on Sunday morning, under the penalty of five pounds, for the use of the poor of the parish where the offence was committed.

XI. That no herring-net be allowed in the waters or fished between sunset on Saturday night and sunrise on Monday morning under a penalty of five pounds, to be recovered, with costs, and applied as in the above preceding clause.

Read and passed in open session.

(Signed)

A. BARBENI,
Clerk of the Peace.

COUNTY OF NORTHUMBERLAND.

FISHERIES, &c.

At a General Sessions of the Peace of our Lady the Queen, held at the Court-house in Newcastle, in and for the county of Northumberland, on Tuesday the eleventh day of January, in the year of our Lord one thousand eight hundred and fifty-three, and in the sixteenth year of Her Majesty's reign, ordered that the rules and regulations made and passed at the last January sessions for this county, for the regulation of the fisheries, and of nets, seines, and fish-wears, within the rivers and harbours of this county, be, and the same are hereby annulled and repealed, and in lieu thereof the following rules and regulations be made and established, in pursuance of the authority vested in the General Sessions by Act of Assembly, 13 Vict., cap. 30, for the regulation of fisheries, and of seines, nets, and fish-wears within the rivers and harbours of this county.

I. That hereafter the fisheries in the bay, harbour, and river Miramichi and its branches shall be regulated in the manner hereinafter mentioned; that is to say:—No net whatever shall be set off any island, middle ground, or shoal in the said bay, harbour, river, and branches, excepting as hereinafter permitted. No net to be set from the western extremity of Huckleberry Island to the lots owned by Thomas Tan, now owned by the estate of Joseph Cunard; no net to be set along the south shore in the said space to extend into the bay more than two hundred fathoms from three feet water at low water: a base line to run from the said lot to the upper line of that part of the lot formerly owned by the late James Horton, Esquire, deceased, in Bay Du Vin, presently in the occupation of Abraham Lacey; no net to extend into the bay more than two hundred fathoms from the said line. From the said lower line of the Lacey lot to the eastern line of the lot lately owned by John Mark Crank Deslesdernier, at the mouth of the Black river, no net to extend into the bay more than two hundred fathoms; from thence to the Point aux Car, no net to extend into the bay more than two hundred fathoms; from Point aux Car to the lot owned by Alexander McDonald, no net to extend into the bay more than three hundred fathoms from low water: a base line to run from the said Alexander McDonald's lot to Point Cheval; no net to extend into the bay more than three hundred fathoms from the said line. From Point Cheval to the upper extremity of the Sand beach in Napan Bay, no net to extend into the bay more than two hundred and fifty fathoms from low water. No net to be set off the inside of Bay du Vin Island to extend into the bay more than sixty-eight fathoms from low water; and from the outside to extend into the river more than one hundred and fifty fathoms from low water. No net to be set off the inside of Egg Island to extend into the bay more than sixty-eight fathoms from low water; and from the outside to extend into the river more than one hundred fathoms from low water: a base line to run from the upper extremity of the said Sand Beach in Napan Bay to the point commonly called Green Point, on the west side of a small creek at the end of George Murdoch's marsh. No net to extend into the bay more than two hundred fathoms from the said line, and no net set from the said line to be nearer than one hundred fathoms to the said Green Point. From the said Green Point to within forty rods of the site of the fish-shed formerly occupied by James Anderson, and now occupied by Murdoch, no net to be set to extend into the bay more than one hundred and fifty fathoms from low water. From thence to the lower extremity of East Point, no net to extend into the river more than eighty fathoms from low water. No net to be set off East Point to extend into the river more than fifty fathoms from low water. No net to be set off Sheldrake Island to extend into the river or bay more than sixty fathoms from low water. No net to be set off Hog Island, opposite Neguse, to extend into the bay more than two hundred fathoms from low water; from thence to the lot, number eighty-one, formerly owned by the late James Fraser, Esquire, deceased, inclusive, no net to extend into the bay more than three hundred fathoms from low water, and no net to be set in the said space to be more than two hundred fathoms in length; from thence to lot number seventy-six, formerly owned by James Thom, deceased, inclusive, no net to extend into the bay more than two hundred and eight fathoms from low water: a base line to run from low water on lot number seventy-six to the first point above the house owned by the late John English, deceased, opposite to the lower end of Sheldrake Island; no net to extend into the bay more than two hundred and fifty fathoms from the said line. From thence to the lower line of lot number seventy-one, no net to extend into the bay more than two hundred fathoms from low water. No net to be set in front of lot number seventy-one to extend into the river more than seventy fathoms from low water: a base line to commence at the upper line of lot number seventy-one, on Moody's Point, at low-water mark, and end at low-water mark on lot number sixty-nine, from thence to continue to low-water mark on lot number sixty-two; no net to extend into the river more than sixty-five fathoms from the said line. No net to be set in front of the lots number sixty-five and sixty-six to extend into the river more than sixty-five fathoms from low water. No nets to be set in front of lots number sixty-four and sixty-three to extend into the river more than seventy fathoms from low water. No net to be set in front of lot number sixty-two to extend into the river more than sixty-five fathoms from low water. No net to be set in front of lot number sixty-one to extend into the river more than forty-five fathoms from low water. From lot number

sixty-one to lot number fifty-nine inclusive, no net to extend into the river more than sixty-five fathoms from low water. No net to be set in front of the lots number fifty-eight, number fifty-seven, number fifty-six, number fifty-five, and number fifty-four, to be longer than sixty-five fathoms beyond forty fathoms from low water. No net to be set in front of the lots number fifty-three, number fifty-two, and number fifty-one, to be longer than sixty-five fathoms beyond fifty fathoms from low water. No net to be set in front of lot number fifty to extend into the river more than sixty-five fathoms from low water. From thence to lot number thirty-nine inclusive, no net to be set to extend into the river more than thirty-seven fathoms from low water. No net to be set in front of lot number thirty-eight to extend into the river more than fifty fathoms from low water. No net to be set in front of lots number thirty-seven, number thirty-six, number thirty-five, and number thirty-four to extend into the river more than sixty-eight fathoms from low water; from whence to the brook on the upper side of Gilmour Rankin and Company's wharf, Douglastown, inclusive, no net to extend into the river more than seventy fathoms from low water; from thence to lot number fourteen, inclusive, no net to extend into the river more than fifty fathoms from low water; from whence to lot number five, inclusive, no net to extend into the river more than forty-two fathoms from low water; from thence to number one, inclusive, no net to extend into the river more than fifty-five fathoms from low water; from thence along the north shore to Oxford's Cove, on the north-west branch, no net to extend more than thirty fathoms from low water; from thence to the Saw-Mill Cove inclusive, no net to be set to extend into the river more than forty fathoms from low water, excepting in front of lots formerly occupied by James Oxford, Duncan M'Intyre, and George Hubard, where the nets shall not extend into the river more than twenty fathoms from one foot water at low water; from the said Saw-Mill Cove to the cove below Barr's Point no net to extend into the river more than eighty fathoms from low water; from thence to the Upper Bass Fishery no net to extend into the river more than forty fathoms from low water; from thence to Dunbar's Point no net to extend into the river more than sixty fathoms from low water, excepting in front of the lots formerly occupied by George Urquhart and Thomas Wright, where no net shall extend into the river more than eighty fathoms. From thence to William Matchett's upper line, no net to extend into the river more than thirty fathoms from low water; and from thence to John Ryan's upper line no net to extend into the river more than twenty-five fathoms. No net to be set on either side of the north-west branch, or any of its branches, from the said John Ryan's upper line upwards, to extend more than one-third across the said branch or any of its branches. No net to be set off the lot occupied by James Johnstone on the south side, to extend into the river more than twenty-five fathoms from low water. No net whatever to be set off the south side from the lower line of James Johnstone's lot to the mouth of the Little South-West river. No net to be set on either side of the Little South-West to extend more than one-third across the said river and its branches; and from the mouth of the Little South-West, down along the south or western shore to the lower line of the lot now occupied by the widow M'Grath, no net to be set to extend into the river more than thirty fathoms from low water; and from thence, on the southern side, downwards to Beauherbert's Point inclusive, no net to extend into the river more than forty fathoms from low water-mark, excepting in front of the lots occupied by Charles Stewart, Jared Tozer, Elson Tozer, and William Taylor, where the nets shall not extend into the river more than thirty fathoms from one foot water at low water. No net whatever to be set off Martin's Island, or off or to any other island, middle ground, or bar, in the north-west branch of the River Miramichi or its branches. A base line to run from East Point to West Point, no net to extend into the river more than fifty fathoms from the said line. From low-water mark at West Point a base line to low-water mark at the lower point of lot number nine, no net to extend into the river more than sixty-five fathoms from the said line. From the said point of lot number nine to Terrill's Point, no net to extend into the river more than sixty-five fathoms from low water, excepting in front of lots number eighteen and nineteen, where the nets are to extend sixty-five fathoms beyond twenty fathoms at low water. No net to be set off Terrill's Point to extend into the river more than forty fathoms from low water. A base line to run from Terrill's Point to the lower end of Middle Island, no net to extend into the river more than forty-eight fathoms from the said line. No net to be set from Middle Island towards the north shore more than fifty fathoms from low water. No net whatever to be set from Middle Island to the south shore; no net to be set from the south shore opposite the upper end of Middle Island to the lower line of lot number fifty—being the property lately occupied by Theophilus Des Brisay, Esq.—to extend into the river more than fifty-two fathoms from low water, excepting in front of the lots number twenty-eight and twenty-nine, which shall not exceed sixty fathoms from low water; and in front of lot number thirty-two no net to extend into the river more than thirty-eight fathoms from low water. No net to be set in front of lot number thirty-three to extend into the river more than fifty-five fathoms from low water. No net to be set in front of lots number fifty, number fifty-one, number fifty-two, number fifty-three, and number fifty-four inclusive, to extend into the river more than sixty fathoms from low water; from thence to lot number fifty-eight inclusive, no net to extend into the river more than sixty fathoms from low water. No nets to be set in front of lots number fifty-nine, number sixty, and number sixty-one, to extend into the river more than fifty fathoms from low water; from thence to number forty-one, in the grant to the late William Davidson, Esquire, no net to extend into the river more than forty fathoms from low water. No net to be set in front of the lot now occupied by Peter Foley, to

extend into the river more than seventy fathoms from low water. No net to be set from Beauherbert's Island to extend into the river more than thirty fathoms from low water. No net to be set in the Tickle between Beauherbert's Island and Beauherbert's Point. No net whatever to be set in front of the burying-ground on Beauherbert's Point. No net to be set from either side of the south-west branch from Beauherbert's Point on the western shore, and Peter Foley's on the eastern shore, to the upper line of the lot occupied by James Carnahan, to extend into the river more than forty fathoms from low-water mark, excepting from the lot in the possession of David Barron, on the north shore towards the extremity of Barnaby's Island, where the nets shall not extend over thirty fathoms from low water; also excepting the place known as Peters' Point, where the nets shall not extend into the river more than thirty fathoms from low water; and that no net whatever shall be set from Barnaby's Island towards the north shore, either from the said island or mainland; and from thence upwards to the lower line of the Barnaby River Mill lot, no net shall be set on either side of the said river from Carnahan's upper line aforesaid to the mouth of Indian Town Brook, to extend into the river more than thirty fathoms from low water; but in no case shall the nets extend more than one-third across the main channel on the said south branch (Note. July sessions, 1854, nets allowed to be set forty fathoms off Barnaby River Mill lot). No net to be set off the lots on the north shore opposite Brown's Barr, or opposite the bar at the Elm-tree, to extend into the river more than fifteen fathoms from low water. No net to be set on either side of the said south-west branch, or any of its branches from the mouth of the Indian Town Brook to the head of Miramichi River and its branches, to extend more than one-third part across the said river and its branches. No net whatever to be set off or from any island, middle-ground or bar in the said south-west branch of the River Miramichi and its branches: Provided always, and it is hereby declared, that no net to be set in any of the branches of the River Miramichi, by virtue of these rules, or in any other river of the county of Northumberland, not hereinbefore provided for, shall extend more than one-third part across the said branch or river, anything herein contained to the contrary notwithstanding; and provided always, that where one-third part shall include or take in more than one-third of the main channel, or any of the said branches or other rivers as aforesaid, no net whatever shall be set on the channel-side of the river. And be it ordained that no nets whatever shall be set inside of any base lines allowed in the bay, harbour, river, or branches of the Miramichi, excepting in front formerly owned by Robert England, deceased, in Napan Bay, where the net may extend into the river in front of the said lot, two hundred fathoms from low water, and the lot formerly owned by Richard Horne, deceased, where the net may extend two hundred fathoms from low water: Provided always, that no part of the said quantity of net is set outside of the said line, under the penalty of five pounds for each and every of the offences against any of the provisions of this Rule, and that no net shall be set, the meshes of which shall be of less size than five inches, under a penalty of three pounds: Provided always, that this shall not extend to affect the herring or gaspereau nets; and provided also, that every owner or occupier of lands fronting on the Miramichi, or any of its branches, shall have the exclusive privilege of fishing off his or their own lands, within the provisions of this rule; any person or persons infringing on this provision, without the consent of the owner or occupier thereof, shall forfeit and pay a penalty of five pounds for each and every offence.

II. That the ratepayers on property shall and may, at the time of appointing parish officers under and by virtue of the said recited Act, and are hereby required to appoint one or more fit person or persons to be overseers of the fisheries for each town, district, or parish, who shall be sworn to the faithful discharge of their duty, and who shall have power to superintend the fisheries under these Rules, and shall remove any net, hedge, weir, fish-garth, seine, or other incumbrance that shall be found in any river, cove, or creek, contrary to the provisions of these rules: Provided always that in the event of the ratepayers neglecting or refusing to appoint overseers, the Sessions shall have power to do so.

III. That if any net, hedge, weir, fish-garth, or other incumbrance, or any drift-net, shall be found in any river, cove, or creek, contrary to the provisions of these Rules, it shall and may be lawful for such overseer of the fisheries, and they and each of them are hereby required respectively forthwith to seize the same, and if the owner thereof shall not appear to claim the same within six days, such net, seine, or fish-garth shall, together with the fish, if any found therein, be forfeited, and sold by public auction by the said overseers, to satisfy the respective penalties in these Rules mentioned and inflicted, and the proceeds thereof shall be paid to the county treasurer of the said county of Northumberland.

IV. That the said overseer of the fisheries shall be entitled to demand and receive two shillings and six pence, and no more, for each set of nets so to be set, in the district to which they shall be respectively appointed, from the proprietors of such nets, as a compensation for their trouble when called on to perform the duty.

V. That if any such overseer of the fisheries shall at any time wilfully and knowingly delay, neglect, or refuse, to perform the duty in and by these Rules enjoined, such offender shall forfeit and pay for every offence or neglect of duty, the sum of five pounds.

VI. That if any overseer shall neglect to perform the duty in and by these rules enjoined, it shall and may be lawful for any person or persons to apply to the High Sheriff of the county, or his deputy, or any constable, or any person or persons that have been or may be appointed to protect the fisheries of the county, who are hereby authorized and required to take up and remove any such incumbrance or net fished or set contrary to these rules, forthwith, and if no person appear to claim the same within six days, the said net or nets so taken up and removed as aforesaid, shall be sold at public auction, after six days' notice, and the proceeds thereof paid, the one-half to the officer who performs the duty, not being an overseer or warden, and the balance into the hands of the county treasurer.

VII. That no salmon of any description shall be taken or killed in any manner whatever, in the bay, harbour, or River Miramichi, below Beaulair's Island, from the fifteenth day of August, or above Beaulair's Island, in both branches, or in the Bartilogue Tabuscritse, Bay du Vin, Napan, or Black River, from the thirty-first day of August to the first day of April of the ensuing year; nor shall any person offer or expose for sale, nor shall any person purchase any fish so killed or taken, under the penalty of ten shillings for each fish so taken, killed, exposed or offered for sale, or purchased; and that no net shall be set or allowed to remain on any pickets in the said river or its branches, after the times heretofore limited and appointed for fishing, under the penalty of two pounds for each and every offence, to be paid by the owner or owners of said nets, or the person last using the same, and that the owner or person last using or fishing such set of nets shall, within six days after the times limited as aforesaid, remove and pull up the pickets so used for fishing as aforesaid, under a like penalty of two pounds for every day the owner or person fishing as aforesaid shall allow the said pickets to remain in the water after that period: Provided always, that nothing herein contained shall prevent the catch of fall bass, either on pickets or floats, of not less than five-inch mesh, to commence on the twentieth day of September in each year, and to continue to the close of the navigation.

VIII. That no person or persons shall, under any pretence whatsoever, erect, build, make or set up, or make use of in the said bay, harbour, and River Miramichi, or any of its branches, or in any other river in the said county, any brush or wooden wear or wears, trap or traps, for the purpose of taking gaspereaux, shad, salmon, bass, or other fish, under a penalty of five pounds for each and every offence.

IX. That in all cases where any fish-wear or wears, trap or traps, shall be so erected, contrary to the provisions of these Rules, it shall be the duty of the overseer of the fisheries of the parish or district in which such wear or wears, trap or traps, shall be so erected, and all other person or persons are hereby fully authorized and empowered immediately, or at any time thereafter, to pull down, remove, and destroy, such wear or wears, trap or traps.

X. That it shall not be lawful for any person or persons to drift or sweep for salmon with nets or seines, nor for any person or persons to spear salmon or grilse, in any part of the bay, harbour, river or branches of the Miramichi, or in any other river in the county of Northumberland, under a penalty of five pounds, and any person whatever who shall be found with salmon in his possession, shall, in addition to the foregoing penalty, forfeit and pay for every salmon so taken the sum of ten shillings, and whoever shall directly or indirectly sell, or offer for sale, any salmon caught or taken by spearing, shall forfeit and pay the sum of ten shillings for each salmon so sold or offered for sale, purchased, or bartered as aforesaid, and that all canoes, spears, drift-nets, seines, torches, and salmon found, and all other implements found by the overseer or overseers, or other person or persons authorized and required to look after the fisheries, in the possession of any person spearing, drifting, or seining for salmon, or which such person may have abandoned on being pursued, shall be forfeited and sold by public auction, after six days' notice, and the proceeds arising therefrom paid into the hands of the county treasurer, and all persons discovered at night with a spear and torch, or a torch only, in or about any river, stream, lake, or watercourse, either in a boat or canoe, or otherwise, and apparently equipped for taking or spearing salmon, shall be considered in the act of spearing salmon, and shall be liable to a penalty of five pounds, and the burden of disproving the same shall be upon the party discovered.

XI. That no person or persons, under any pretence whatever, shall sweep or drift for fish with any net whatever in any part of the River Miramichi, or any of its branches, under the penalty of ten pounds for each and every offence, save and except seining for bass, which shall commence on the opening of the navigation, and continue until the first day of July in each year, and no longer, and on the first day of October, and continue until the close of the navigation in each year, but that the meshes of such seines shall not be less than five inches, and that such seining shall be confined to the North and South-West river, Bartilogue and Napan, and shall not extend further up the said North-West river than Dunbar's Point; and in the Bartilogue River such seining shall not extend further up the said river than ten rods above Stoney Point, before the thirty-first day of October in each year, and in the South-West such seining shall not extend further up than Barnaby's Island, and in Napan shall not extend further up than Dudley Perley's

upper line; and also save and excepting seining for gaspereaux, which shall commence on the opening of the navigation and continue until the first day of July in each year, and shall be confined to the Main Miramichi River, the north and south-west branches, the Bay de Vin, and Black Rivers; that such seining in the main river shall terminate where the branches commence, in the South-West such seining shall not extend further up than Barnaby's Island, and in the North-West such seining shall not extend further up than the lower line of the Derry Farm, and in the Bay de Vin such seining shall not extend further up than the Quarry, and in the Black River such seining shall not extend further up than the lower line of Archibald Cameron's, junior, lot; that the length of the seines shall, in the North and South-West, not exceed eighty fathoms, and in the Bay de Vin and Black River shall not exceed thirty-five fathoms; and that no gaspereaux shall be taken in the bay, harbour, or River Miramichi, or its branches, or in any other river in the county, after the first day of July in each year, under a penalty of five pounds for each and every offence, also save and excepting seining for herring; and that all person and persons casting a seine under this rule, shall not allow such seine to remain set, but shall forthwith haul the same, under a penalty of three pounds for each and every offence.

XII. That if any person or persons shall hereafter set any seine or net, or allow any seine or net to remain set in any part of the said bay, harbour, river, or branches, between sunset on Saturday night and sunrise on Monday morning, contrary to the provisions of this Rule, such person or persons so offending shall, for each and every offence, forfeit and pay the sum of five pounds, and shall, in addition to the foregoing penalty, forfeit and pay for each and every salmon taken or found in his possession, caught or taken contrary to this Rule, the sum of ten shillings, and for all other fish the sum of one shilling each.

XIII. That no bass shall be taken or killed in the bay, harbour, or River Miramichi, or its branches, through the ice, or after such bay, harbour, river, or branch shall be respectively frozen over in each and every year, unless under the following restrictions: first, that all nets intended for such fishing shall not be less than five inches in the mesh, and shall have the name of the owner legibly marked, branded, or scribed on the poll of his scoop-net, and that such marks shall be preserved on the same during the fishing season, under a penalty of two pounds per day; secondly, that before any net shall be used for the aforesaid purpose, the owner or owners, person or persons interested in the same, shall cause a memorandum, setting forth the name of the party interested, the circumference of the scoop-net, and, as near as may be, the particular location where the same is intended to be used, to be filed in the office of the Clerk of the Peace, and that the said Clerk shall forthwith notify the overseer or overseers as aforesaid, or the person or persons appointed to protect the fisheries, or some of them, of the fact of such net having been registered, for the guidance of such overseer or overseers, or persons aforesaid, and that any net of a less mesh than five inches, or set before registry, or the party not complying strictly with this Rule, shall be deemed and taken to be illegally used, and the person or persons violating the same shall forfeit and pay the sum of five pounds, and that all scoop-nets, hoops, and handles, and all other implements found in the possession of any person, or on the ice, or which have been used or intended to be used for taking bass through the ice, not herein provided for, together with all fish found, shall be seized and forfeited and sold at public auction by the overseer or overseers, or person or persons, appointed to look after the fisheries, and the proceeds arising therefrom to be paid into the hands of the county treasurer; and any persons exposing or offering for sale any bass taken in violation of this Rule shall respectively pay the penalty of five shillings for each bass so taken, killed, exposed, or offered for sale, purchased, or bartered, and that all bass so seized shall be deemed and considered to be illegally caught, and that the burden of disproving the same shall be upon the party from whom the same was taken; thirdly, that all persons opening holes through the ice for the purpose of taking bass under this Rules, shall cause the same to be marked with four evergreen bushes six feet in height, and all and every person not complying in this respect shall forfeit and pay the sum of three pounds.

XIV. That it shall and may be lawful for any overseer of the fisheries, or the person or persons appointed to protect the same, at any time after the tenth day of September in each year, to seize, forfeit, and sell at public auction all salmon or grilse that may be brought to market, or sold, or offered for sale, or bartered, or purchased, and take all lawful ways to effect such seizure by entering any canoe, boat, scow, or warehouse, for the purpose of making such seizure, and that all salmon so seized shall be considered as illegally taken, and the burden of disproving the same shall be upon the party from whom the salmon are taken; and in the event of the party from whom the salmon are seized neglecting or failing to prove that they were caught legally, shall be liable to a penalty of five pounds, in addition to the loss of the salmon, to be paid into the hands of the county treasurer.

XV. That no inspector of fish shall, under any pretence whatever, inspect any black salmon, or salmon caught out of season, in violation of which the said inspector shall forfeit and pay a penalty of five pounds, and also shall give notice of such salmon to an overseer of the fisheries of the parish in which he was called upon to inspect the same, and also to the person or persons appointed to protect the fisheries, and also to the nearest

Justice of the Peace; failing to perform the same, and give such information, shall be subject to a penalty of five pounds, and be disqualified from holding the office of inspector for the two next succeeding years.

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XVI. That it shall be the duty of the overseer or overseers of the fisheries to carry out the foregoing Rules, and shall be bound to prosecute all violations of these Rules, whether the same comes to his or their own knowledge, brought thereto by any inhabitant of the county; and in the event of such overseer or overseers neglecting or refusing to comply herewith shall forfeit and pay the sum of ten pounds; and that the warden of the county shall also be authorized and bound to carry out these Rules to the full extent, and prevent all violations thereof, whether such violations are in view or brought to his knowledge in some other way: in the event of his neglecting or refusing to do so, shall be subject to a penalty of ten pounds.

XVII. That all fines and penalties imposed by these rules shall be recovered, with costs, upon conviction, and shall, when recovered, be paid into the hands of the county treasurer, and it shall be the duty of the said treasurer to keep the statement and account of all such sums as shall be paid to him for such fines and penalties in a separate and distinct account, and shall pay out of such fines, as far as they shall extend, the amount ordered by the said Justices to be paid to the overseer or overseers, or person or persons, appointed to protect the fisheries, before applying any other of the funds of the county to the payment of such overseer or overseers, or person or persons, appointed as aforesaid; and it shall further be the duty of the said treasurer to prepare and exhibit to the justices at the January Sessions a true and correct statement and account of the same, verified by the oath of the said treasurer.

XVIII. That the overseer or overseers, and all other person or persons appointed to carry out these Rules, and to protect the fisheries of the county, shall in all cases be competent witnesses, and that any person prosecuting, or giving evidence on any prosecution for the recovery of any penalty or penalties under the provisions of these Rules 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 competent jurisdiction, shall be liable to the pains and penalties imposed by law upon persons guilty of perjury.

By order of the General Sessions.

(Signed) EDWARD WILLISTON,
Deputy Clerk of the Peace, Northumberland.

No. 2.

At a General Sessions of the Peace of our Lady the Queen, held at the Court House in Newcastle, in and for the county of Northumberland, on Tuesday, the tenth day of January, in the year of our Lord one thousand eight hundred and fifty-four, ordered, that the following Rules and Regulations be made and established, in pursuance of the authority vested in the General Sessions by Act of Assembly, 13 Vict., cap. 30, for the regulation of the fisheries, and of nets, seines, and fish-wears within the rivers and harbours of this county:—

I. Be it ordained, that no net or nets for the taking of herring shall be set or allowed to remain in the water, commencing three-quarters of a-mile to the westward of the Upper Neguse Gully, and extending down three-quarters of a-mile to the eastward of Lower Neguse Gully, nor within three-quarters of a-mile from the shore within these points, and any person offending against this rule shall be liable to a penalty of five pounds.

II. And be it ordained, that no person shall be allowed to set any net or nets within twenty fathoms of another net or nets already set for the taking of herring in Neguse Bay under a like penalty of five pounds against the person offending.

III. And be it ordained, that any overseer of the fisheries, or the warden, shall, and he is hereby required to, seize and forfeit all nets set in violation of the foregoing rules, and sell the same at auction, and pay the proceeds arising therefrom into the hands of the county treasurer.

IV. And be it ordained, that nothing herein contained, or contained in the Regulations made and passed at the January Sessions, one thousand eight hundred and fifty-three, for the regulation of the fisheries, shall prevent the taking of mackerel or alewives in set nets after the first of August in each year.

V. And be it ordained, that no nets shall be placed within less than fifty fathoms of each other, measured upon a straight line, running parallel, as near as may be, with the shore in any of the rivers or branches of this county, under a penalty of five pounds for

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each and every offence : Provided always, that no person shall be deemed guilty of a violation of this rule for setting his or their nets off his own land when such person or persons holds the possession of a less front than fifty fathoms, nor to prevent any person or persons from setting more than one set of nets off his own land.

VI. And be it ordained, that from Carnahon's upper line to the lower line of the Elm-tree Tract, the length of nets be extended to thirty-five fathoms instead of thirty fathoms as allowed by the Regulations made in January Sessions, one thousand eight hundred and fifty-three; but this regulation is not to extend the length of nets set off the lots on the north shore, opposite Brown's Bar, which shall not extend into the river more than fifteen fathoms from low water.

VII. And be it ordained, that no net shall be set on the north shore from the land owned and occupied by the late William Gillis, and now in the possession of Fitzgerald and David Barron, towards the extremity of Barnaby's Island, shall extend in length thirty fathoms from low water, under a penalty of five pounds against the person offending.

By order of General Sessions.

(Signed) EDWARD WILLISTON,
Clerk of the Peace, Northumberland.

[July Sessions, 1854.]

Nets extended to forty fathoms off the whole of the Gillis Lot.

No. 3.

No. 3.

COPY of a DESPATCH from Mr. Secretary LABOUCHERE to Lieutenant-Governor the Hon. H. MANNERS SUTTON.

(No. 7.)

SIR,

December 12, 1855.

I HAVE to acknowledge the receipt of your despatch No. 32 of the 16th of November, transmitting authentic copies of the laws and regulations relating to the fisheries now in force in New Brunswick.

I concur in your opinion that the provisions of the chapter of the Revised Statutes vesting in the justices in session to make laws and regulations for the fisheries in their respective counties, subject to no control on the part of the Executive Government, require revision, and I am glad to find that you have called the attention of your Council to the subject with a view to the amendment of the law in this respect.

Hon. H. Manners Sutton,
&c. &c. &c.

I am, &c.
(Signed) LABOUCHERE.

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No. 4.

No. 4.

COPY of a DESPATCH from Lieutenant-Governor SIR GASPARD LE MARCHANT
to Mr. Secretary LABOUCHERE.

(No. 88.)

Government House, Halifax, September 9, 1856.

SIR,

(Received September 22, 1856.)

IN transmitting to you, as I have now the honour to do, in compliance with the late Sir William Molesworth's despatch of the 3rd August, 1855, authenticated copies that have been prepared and certified by the Attorney-General, of the Laws and Regulations of the Legislature, or other competent authority, of this Province, for the preservation of the Fisheries, I have to express my regret, whilst referring to my despatch to Mr. Crampton of the 16th July, 1855, wherein he was informed "that no laws or local regulations of the nature adverted to in his despatch of the 28th June then preceding were in force or existed in the Province," that this last-mentioned despatch was issued under misapprehension of the state of the law, and of local regulations referred to.

The mistake originated in the peculiar mode of entitling the Revised Statutes of this Province, which relate to the matter under consideration, chapter 94 being entitled "Of the Coast Fisheries," which alone was referred to, as being that alone in which, under the late Treaty, the citizens of the Union were supposed to be interested, whilst chapter 95, entitled "Of River Fisheries," was not examined, because with regulations relative to "rivers" the Americans, under the Treaty, were not concerned, although, in point of fact, this latter statute contained a clause in terms as follows: "The Sessions may, from time to time, make orders for the setting and drifting of nets, the erecting and placing of weirs, and, generally, for the conducting of fisheries in all the bays, harbours, rivers, streams, or creeks, or on the shores thereof, or those of any of the counties, to be enforced by penalties not exceeding ten pounds, for breach of any such order, and shall appoint overseers for such fisheries, and define the limits of their jurisdiction, and the overseers shall see such orders carried into effect." This clause was then, and is still, in force, and under its authority the local regulations have been made, whereof copies are now transmitted.

Copies of the collection referred to, affirmed by the careful examination and signature of the Attorney-General to be complete and authentic, will also be sent to each of the Governors of British North America.

It is satisfactory to me to reflect, that the mistake which I have thus brought to your notice, is not likely to have been productive of any prejudicial misapprehension on the part of the United States' Government, as the only public notification which they have made of the Laws and Regulations of these Colonies for the preservation of the fisheries would appear to have been conveyed by Mr. Marcy's circular to the Collector of Customs at Boston, which is dated the 12th of July, 1855, and four days prior to the date of my despatch to Mr. Crampton.

I have, &c.

(Signed)

J. GASPARD LE MARCHANT.

The Right Hon. H. Labouchere,

&c.

&c.

&c.

Enclosure 1 in No. 4.

Encl. 1 in No. 4.

COPIES of the ORDERS or REGULATIONS of the several Courts of Sessions in Nova Scotia, in force in relation to River Fisheries.

Provincial Secretary's Office, Halifax,
September 6, 1856.

Copies of Orders in force made by the Courts of Sessions for the Regulation of the River Fisheries, and especially respecting Nets, Wears, and conduct of the Fisheries in Bays, Harbours, &c., under the 8th Section of Chapter 95 of the Revised Statutes.

December 1855.

ANNAPOLIS.

General Sessions of the Peace,
April Term, 1852.

It is ordered by the Court, that the owners of the lands on the Annapolis river, "above the rise and fall of the tide," be allowed to set one net for the taking of salmon in front of their respective lands, and no more.

That, in addition to the above, others, "not being owners of the soil," shall be allowed to set nets from the Big Eddy on said river, to within a quarter of a mile of Mc Kown's Mill Dam; no person allowed to set more than one net, and not to extend more than one-third of the distance across the river.

That the owners of lands below where the tide flows on the Annapolis river be allowed to set one net on their respective lands, and no more; and not to extend more than one-third of the distance across the river.

And it is further ordered, that no person shall take fish of any description in any of the rivers within the county, with sweep or net of any kind, except on Wednesday, Thursday, Friday, and Saturday in each week.

Any person or persons guilty of a breach of any of the above regulations, subject themselves to the penalty imposed by the statute, "not to exceed ten pounds, nor less than twenty shillings."

By the Court.
(Signed) GEO. R. GRASSIE,
Clerk of the Peace.

DIGBY.

General Sessions of the Peace,
November Term, 1854.

It is ordered by the Court, that the shore fishery at the head of St. Mary's Bay, in the county of Digby; that on the north side, commencing at Little River, and to end at one-third of the distance between the north and south creeks at the head of the bay, at high-water mark, to be under the direction and management of the overseers of the fisheries appointed for the north shore of St. Mary's Bay; and that the south shore of the said fishery, commencing where the said north shore fishery ends, and to end at Gilbert's Cove and the said south shore of St. Mary's Bay, and that the same be under the direction and management of the overseers of the fisheries appointed for the said south shore.

That the said overseers of the said shores respectively shall fix the number of wears to be erected on the said shores respectively, and the places where the same are to be built; and that the said overseers respectively shall advertise for all persons who may be desirous to participate in the said fishery, to give in their names at a time fixed by the said overseers, who shall furnish their respective proportions of stakes and brush, to be fixed upon by the said overseers respectively, and to meet at such time and place as the respective overseers direct, to erect and build the said wears; and the persons so giving in their names and furnishing their proportions of stacks and brush, and performing their proportion of labour in erecting the said wears, shall be entitled to an equal proportion of the fish taken within the same; and the said respective overseers shall make such regulations for dividing and subdividing the said fish so taken, as they may deem necessary. And no person shall take any fish out of the said wears but under the direction of the said respective overseers, and that each of the said wears so to be erected shall have waste-gates to the same, which waste-gate shall be opened on Saturday nights, and not shut or closed until Monday mornings. And any person or persons who shall violate either or any of the regulations hereby made, shall forfeit and pay the sum

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And it is further ordered, that the foregoing regulations be published by the Clerk of the Peace at the time when town officers are published.

By the Court.
(Signed) H. STEWART,
Clerk of the Peace.

Digby, August 20, 1855.

YARMOUTH.

General Sessions of the Peace,
April Term, 1855.

It is ordered by the Court, that the regulations for the fisheries of Tusket river and its branches, made in April Term, 1854, be, and the same are hereby made the regulations for the ensuing year, except as the same are hereby amended, viz:—

That the wear at the mouth of Salmon river shall be opened for the free passage of fish from Thursday morning at sunrise until Monday morning at sunrise, under the penalty of three pounds for each offence, and that the said wear be not rebuilt next year.

That Israel Wyman shall have one fish-stand between the bridge on the Pond Road and the Little Lake.

That James L. Hatfield and John Ballam shall have one fish-stand between them at the Orchard.

That the narrows or falls at William Andrews' shall be subject to the same regulations, as regards nets, as the other falls on Tusket river.

That the time limited in the 31st section of these regulations, shall be extended to thirty days.

Ordered—That the following be the regulations for the fishery of the River Abuptic:—

I. That no person shall fish from Friday morning at sunrise until Monday morning at sunrise, under the penalty of three pounds, and all fish forfeited.

II. That no obstruction be placed in the said river or streams thereof above Campbell's Falls, that may obstruct, impede, or otherwise interfere in any way with the passage of the fish (save that of scooping with nets), except that part of the river which lies between the old mill-dam and Nanaguagus Falls, wherein set nets may be placed one-third across the river, from the first to the fifteenth day of May and no longer. Any person violating this regulation shall forfeit the sum of forty shillings for each offence, provided that nothing therein shall prevent each family setting in the said river one eel-pot, with the mouth down stream, between the fifth day of September and the end of the year.

III. No nets to be set in the channel of the said river below Campbell's Falls more than half-way across, under the penalty of forty shillings for each offence.

IV. That the gates of the mill, situate on the said river, be opened on the twenty-fifth day of April, and remain open until the sixteenth day of June, under the penalty of three pounds for each offence, and that a sluice be built on the said dam so as to allow the fish to pass down, to the satisfaction of the overseers of river fishery, under the penalty of three pounds for each offence.

V. No eel-pots or other obstruction be put in the channel of said river (allowing eight feet for the channel) between Campbell's Falls and the mill, under the penalty of twenty shillings for each offence.

By the Court.
(Signed) JOHN TOOKER,
Clerk of the Peace.

REGULATIONS FOR THE FISHERIES OF TUSKET RIVER.

General Sessions of the Peace,
April Term, 1854.

It is ordered by the Court that the following regulations be, and are hereby made the regulations for the fisheries of Tusket river and its branches for the ensuing year:—

I. That no net of any description be set or drawn over more than one-third of the channels of the said river or its branches, under the penalty of three pounds for each offence, and forfeiture of all nets found setting contrary to this section.

II. That no wears or garths, for the purpose of catching fish on Tusket river below Hatfield's Falls, extend below low-water mark, so as to interfere with the channel of said river, and shall be open for the free passage of fish from Friday morning at sunrise until Monday morning at sunrise, and to be taken up on or before the fifteenth day of November, under the penalty of three pounds. Any person convicted of shutting or closing said wears or garths, or of taking fish out of the same from Friday morning at sunrise until Monday morning at sunrise, shall pay a penalty of three pounds for each offence, and all fish so caught to be forfeited. NOVA SCOTIA.

III. That no salmon wears or wings be built on said river, under the penalty of three pounds, and all nets found set at any such wing shall be forfeited.

IV. That no wear shall have a gate or gates open up stream to take fish coming down before the fourth day of June, under the penalty of three pounds for each offence.

V. That no salmon be caught from the first day of September to the first day of March, under the penalty of three pounds.

VI. That no nets be set nearer than fifty yards of the foot of any falls on Tusket river, after the first day of May, under the penalty of three pounds, and forfeiture of nets.

VII. That no fish be taken within forty feet below any mill-dam, under the penalty of three pounds and the fish forfeited.

VIII. That no person or persons shall take, or attempt to take, fish in any way or manner in the Tusket river and the branches thereof from Friday morning at sunrise to Monday morning at sunrise, under the penalty of three pounds, and forfeiture of fish and implements used in catching them.

IX. That no salmon nets be set nearer together on the same side of the river or its branches than one hundred yards, and no herring-nets shall be set below a salmon-net nearer than ten yards, and no two herring-nets shall be set nearer together than eighty yards on the same side of the river, excepting they are owned by the same person, under the penalty of twenty shillings for each offence.

X. That Tusket river generally shall be kept open twenty feet wide, Reynard's Falls ten feet wide, and Salmon river ten feet wide, during the whole year, and the little branch of the Forks ten feet wide until the first day of June, under the penalty of three pounds, and forfeiture of all fish caught contrary to this regulation.

XI. That all mill-dams on the Tusket river and the branches thereof, be opened for the free passage of fish on or before the first day of May, and continue open until the twentieth day of July, under the penalty of three pounds for each offence, and also all the said dams, or a sufficient passage, shall be kept open from the twentieth day of July until the last day of October following, for the free passage of the young fish down to the salt water or sea, under the penalty of three pounds.

XII. That Tusket river shall be considered to extend (for the purpose of the fisheries) to the south side of Birch Island.

XIII. That no person owning lands on said river or any of its branches, shall, upon any pretence whatsoever, fell trees into said river or the branches thereof, or suffer others to throw brush, slabs, or staves, into said river or branches thereof in front of their lands or premises, so as to obstruct the free passage of the fish, on penalty of twenty shillings for each and every offence.

XIV. That the permission of the overseers shall not be required for the carrying down of timber and other articles. If any timber remaining in said river be not forthwith removed, the offender or offenders shall incur the penalty of three pounds for each offence, unless reasonable cause be shown to the contrary before the Justices before whom the said penalty shall be sued for.

XV. That the whole of Tusket river and its branches shall be deemed free for the public for fishing with scoop nets, except the stands now reserved for owners of the land, but with no other net or implement under the restrictions hereinafter mentioned. In Hatfield's Falls, Jacob Hatfield shall have two stands of thirty feet in length, each eight feet in breadth, which eight feet are to be considered clear of the front of the boat or works from which the fish are caught, and to extend the length of thirty feet aforesaid of his choosing, to make known his choice to any of the overseers of the fishery in two days after notice of the regulations, and in any other year on or before the twentieth day of April,

NOVA SCOTIA. Also Cornelius Van Norden shall have two stands of the same description as last stated; and John Wood shall have two shares at said Falls of the same description; also, Peter Hurlburt two stands of same description; also, at Reynard's Falls, Job Reynard shall have two stands, and William Hurlburt two stands as before described; at Gavel's Falls, James Hatfield shall have two stands as before described on his side of the river, and John Gavel two stands on his side of the river; and also, that the widow Sarah Hatfield to be allowed two stands in front of her premises between the bank of the river and the edge of the channel on the western side of Hatfield's Fall, and below the mill at Hewitt's; also, Edward Reynard one stand at the Rock in Hurlburt's Falls. And any person or persons who shall molest or disturb or encroach upon any of the persons mentioned in this clause in the several above-described situations shall forfeit for each offence the sum of twenty shillings, and also if any of the owners of the land who are herein mentioned shall molest any person fishing elsewhere, the person so offending shall forfeit for each offence the sum of twenty shillings.

XVI. That every boat anchoring or mooring in streams for the purpose of scooping fish, shall, after she is loaded, give way immediately to others to take their place in rotation, and to prevent the intent of this clause being defeated, no person or persons shall shift or put the fish caught in one boat into another, nor shall put any salt to any fish in said boat, under the penalty of twenty shillings for each offence.

XVII. That no person or persons shall molest another who is fishing agreeable to these regulations by hauling in boats or putting out poles, or disturb persons fishing in any other way or manner whatsoever so as to hinder them from taking fish, under the penalty of twenty shillings for each offence.

XVIII. That Tusket river shall be kept open its whole width between the fishing-stands of Jacob Wood and Hugh N. Hatfield, as now established.

XIX. That when the river be contracted to twenty feet in width, no boats shall be allowed to anchor or lay within said twenty feet, but the same shall be kept open at all times free from all incumbrances, and whenever Salmon River or Reynard's Falls shall be contracted to ten feet, the same regulations shall be observed. The little branch at the Forks shall be under the same regulations when contracted to six feet, under the penalty of twenty shillings for each offence.

XX. That the branches on the east side of the Island in the Falls, called Bennet's Falls, be considered branches of Tusket river, and shall be under the same regulations and penalties as any of the branches of Tusket river.

XXI. That no weirs or garths whatsoever shall be built across said river or any of the branches thereof, and any person or persons who shall be caught fishing, or taking any fish out of any flume or wear built across said river, or branches thereof as aforesaid, shall be deemed the builders thereof, and pay a fine of three pounds each person, and shall forfeit all fish so caught.

XXII. That no flumes or eel-pots shall be set anywhere upon Tusket river or any of the branches thereof above Hatfield's Falls, under the penalty of twenty shillings for each offence, excepting Hurlburt's Falls, where eel-pots may be set with their mouths down stream.

XXIII. That no floor be made in the branch of the said river called Salmon river, of timber, plank, or boards, or any other article, except the mill-dams across the said river, under the penalty of three pounds.

XXIV. That the waste-gates and water-ways made in the mill-dams across the said river be free for the fish to pass through the same, and no person shall take any fish on the eastern side of the said river, between Kinney's mill-dam and the north line of William Wyman's, under the penalty of three pounds for each offence: the said gates shall be opened from first day of May.

XXV. That that part of Salmon river, being a branch of the Tusket river, which lies between the foot of the lower falls and the line at the orchard between J. L. Hatfield's and Ballam's land, including both sides of the river, shall in future be open and free for the public to fish therein, and to erect such fish-walls as are necessary; subject, nevertheless, to the regulations heretofore made respecting fish-walls.

XXVI. That that part of the last-mentioned river which lies between the Salmon lake and the second island down the stream, including both sides of the river, shall be open and free for the public to fish in, and to erect such fish-walls as are necessary; subject nevertheless to the regulations heretofore made respecting fish-walls.

XXVII. That no pound or incumbrance be allowed in the Salmon river, a branch of the Tusket river; and any person or persons building or using such pound or pounds shall forfeit and pay a fine not exceeding three pounds nor less than ten shillings. NOVA SCOTIA.

XXVIII. That from the north line of William Wyman's to the mouth of Salmon river, one-half of said river on the eastern side (to be determined by a line to be drawn through the middle of said river) shall be free for all persons to fish, as in manner aforesaid, and under the penalties for improper fishing in the regulations before mentioned.

XXIX. That the weirs on Salmon river be under the same regulations as on Tusket river.

XXX. That the nets on Salmon river be under the same regulations as on Tusket river.

XXXI. That one half of the fines shall be to the informer, and the other half for the use of the poor of the township where the offence is committed. According to law, every complaint for breach of these regulations shall be made on oath within fifteen days after the same shall be committed, before one or more magistrates, as the penalty may require.

The owners of the mill-dam at Carleton have permission to delay opening their mill-dam until the fifteenth day of May, this present year only.

By the Court.
(Signed) JOHN TOOKER,
Clerk of the Peace.

SHELBURNE.

General Sessions of the Peace,
May Term, 1844.

It is ordered by the Court that the following regulations be, and they are hereby made and established, the Regulations for the river fishery in the township of Shelburne, namely:—

I. No net to be set nearer to the shores of Indian Brook than on a straight line from the outer point of Squaw's Island to the north point of Greenwood's Marsh; and that all nets for the catch of alewives shall be set north and south: this to apply only to Indian Brook. Any person or persons violating this Regulation to be under the penalty of twenty shillings for the first offence, and forty shillings for each and every other offence.

II. No boat to be moored or left in the stream of the Clyde river from Gibbon's Falls to the mill-dam of Stalker's and Mc Kay's and Sutherland's, in said river, before sunset or after sunrise, during the fishing season, under the penalties expressed in the foregoing resolution.

III. No person or persons to beat the waters of Shelburne, Jordan, Birch Town, Round Bay Creek, Indian Brook, and Clyde river, with poles or otherwise during the fishing season, or in any way or manner so drive the fish either up or down the stream, under the penalty of forty shillings for each offence.

IV. No salmon-net or any other impediment to prevent the run of salmon to be placed in the River Clyde, between Gibbon's Falls and Stalker's, Mc Kay's, and Sutherland's mill-dam, under the penalty of forty shillings for each and every offence of this Regulation.

V. No hedge, wear, fish-garth, trap, or any other incumbrance to be set in any of the aforesaid rivers, creeks, and brooks, under the penalty of twenty shillings for each and every offence of this Regulation.

VI. No net or seine of any description to be set or placed in any of the said rivers, creeks, or brooks, more than one-third way.

VII. All nets and seines to be taken out of the said rivers, creeks, and brooks on Saturday morning at sunrise, and not to be again set in the said rivers, creeks, and brooks until sunrise on Monday morning in each week, under the aforesaid penalty expressed in the fifth Regulation.

VIII. No person or persons to take any fish in any way within sixty feet of the flood-gates, sluices, or slopes, in the dams of John Bowers, James Barclay, Milton Knight,

NOVA SCOTIA. Adam Bowers, Robert McKay, or the flood-gates, slopes, or sluices, of any other mill or mills which hereafter may be erected on the River Roseway, under the penalty of forty shillings for each and every offence.

IX. No fish to be taken from any of the rivers in the county of Shelburne on Saturdays and Sundays, under the penalty of forty shillings for each and every offence against this Regulation.

May Term, 1845.

It is ordered by the Court, that one-third of the space of the river of Shelburne be left free of all incumbrances, that the fish may be allowed to go up to spawn, and that said space be left in the centre of said river.

May Term, 1852.

And it is further ordered, that the Fishery Regulations for the county of Shelburne be, and the same is hereby continued, as of Record.

October Term, 1852.

It is ordered by the Court, that no herring-net be set or drawn between Gibbon's Falls and Sutherland and McKay's mill-dams at Clyde River, under a penalty of thirty shillings.

May Term, 1853.

It is ordered by the Court, that the Regulations now existing relating to the River Fishery in the township of Shelburne be continued, and that the limits of the said fishery be from the Commissary Island in a west course across the harbour, and upwards, and that no fish be taken in said harbour from Friday at sunset until the following Monday morning at sunrise in each week, during the fishing season, and that no salmon-nets be set above the Battery, in a straight line west across the harbour, under the penalty by law provided in such cases on such days.

It is ordered, that the Regulations now in force relating to the fishery in Jordan River be continued, and that the limits of said fishery be from Joseph Hardy's across said river in a west direction.

Ogden's Brook—the limits to be the whole brook, also Green Harbour—to be the whole brook; Birch Town—the limits to be the whole brook, and no net to be set within three hundred yards below the mouth of brook.

It is ordered by the Court, that no fish shall be taken at Round Bay from William Hagar's upwards, between sunrise on Saturday morning and twelve o'clock the following Monday, during the fishing season; and that the limits of the said brook be to William Hagar's.

(Signed)

ROBERT K. THOMPSON,
Clerk of the Peace.

Office of Clerk of Peace, Shelburne,
August 20, 1855.

GUYSBOROUGH.

General Sessions of the Peace,
May Term, 1855.

The Court ordered that the following Regulations for Fisheries be in force for the present year:

That no salmon shall be taken in any manner between the first day of September and first day of March in each year, in any of the rivers of this district, except in salt water below sea-water mark, under a penalty of twenty pounds.

That no salmon, bass, shad, alewives, and gaspereaux, shall be taken in any manner between Friday morning at sunrise and Monday morning at sunrise, in any of the rivers in this district, except in salt water, below sea-water mark.

That all weirs or nets, or other obstruction, made to prevent fish going up and down the rivers in this district shall be removed by the owner or maker thereof between Friday morning and Monday morning at sunrise; and in case of a weir being on any river, a space of six feet shall be left open on those days before mentioned, in the river where the waters are deepest, in place of removing the whole weir.

That no person whatever shall drop or set any mooring for nets in any of the harbours, bays, creeks, or shores of this district, within ninety yards of any other mooring; and that no person set more than two nets to any one mooring.

That no person set or drop any net in the waters of this district without mooring of sufficient strength to keep them from drifting in ordinary times.

That no net shall be allowed to remain set between the sun an hour high in the morning and evening of each day, unless they cannot be taken up by stress of weather.

That no person be allowed to drop more moorings inside Crow Harbour Island than he has nets, and that he shall set a net to each mooring so dropped within at least forty-eight hours in succession. NOVA SCOTIA.

That no vessel shall have nets set and fastened to them within Crow Harbour Island.

That no mooring be allowed to be dropped on any ground where it will interrupt the seine fisheries.

That any person breaking or transgressing against the foregoing Regulations, or neglecting to fulfil the same, shall be liable and subject to the penalty prescribed by law.

Certified copy,
(Signed) STYLES HART, Clerk of the Peace.

Guysborough, August 15, 1855.

INVERNESS.

I. That no net or nets shall be placed lower down the Harbour of Margaree than within a direct line from Mc Alister's well to Dead Man's Cape, till the first day of June, except gaspereaux nets.

II. That no nets shall exceed thirty fathoms in length.

III. That no nets shall be placed within fifty fathoms of each other, or take up more than one-third part of the channel of the rivers in this county.

IV. That all nets shall be taken up before Friday night, and shall not be set or put down before Monday.

V. That no net or wear shall be set or placed in any part of any of the rivers without every owner of said net or wear having his name, in full, branded or cut on a piece of board in large letters, and placed on the back of each net, and on the top of each wear above the slucies.

VI. That the warden or his deputy will have full power to break all wears without the name as above described; also all nets without the owner's name to be taken up by the warden or his deputy, and sold at public auction.

VII. That no salmon shall be caught, or taken in, or by any means whatever, after the fifteenth of August.

VIII. That no fish-heads, bones, or offal, shall be thrown or put into the river below the R. C. chapel.

IX. That no net, stopper, or wear, shall be placed in a certain brook leading from the main river of Margaree round to a small island below the Indian lands at the Forks, to the lower line of Stephen White's on the west side.

X. That each and every person offending against any of the aforesaid Regulations, shall forfeit and pay a sum not exceeding ten pounds, nor less than five pounds, at the discretion of the Court.

(Signed) J. LEWIS TREMAIN, Clerk of the Peace.

Port Hood, September 1, 1855.

KING'S COUNTY.

It is ordered, that no person or persons whatsoever shall in any way or manner make use of any seine that shall exceed twelve feet in length (salmon seines only excepted), nor any nets except what are commonly called square nets, and shall not in size exceed twelve feet square, in the River Gaspereaux, or any of the branches thereof, during the passage of the gaspereaux fish therein; nor shall any person or persons erect, make, or set up any hedge, wear, fish-garth, or fike, in the said river, that shall in any manner obstruct or interfere with more than one-third part of the same, on pain of forfeiting for each and every offence the sum of two pounds.

II. That no person or persons shall erect, set up, or place any net, hedge, wear, or fish-garth, or fish-fike, within twelve rods of any other net, hedge, wear, garth, or fike aforesaid, which has been previously erected or set up in the said river, on pain of forfeiting two pounds.

NOVA SCOTIA.

III. That no person shall erect, set up, or place any net, wear, hedge, fish-garth, or fike, or other incumbrances, opposite to or within twelve rods of the mouth of any brook or stream, or mill-race, prepared for taking fish, on pain of forfeiting for each and every offence the sum of two pounds.

IV. That no person or persons shall, by any means whatever, by driving or otherwise, collect together either in the said river or its branches, or the streams falling therein, or running out of the said river, when said stream or branch shall exceed one-third part of the water of said river, any quantity or quantities of gaspereaux fish on their passage up the said river, on pain of forfeiting the sum of two pounds.

V. That no gaspereaux fish or salmon shall be caught in or taken out of said river at any time between the hours of eight o'clock in the evening of each and every Saturday, and four o'clock in the morning of each and every Monday following, on pain of forfeiting, for each and every offence, two pounds; and any person, of any age or description, so trespassing or found taking fish during said time, and who are not willing or able to pay, shall be subject to the penalty of the law.

VI. No salmon-seine shall be cleaned or swept in said river between eight o'clock on Friday evening of each and every week, and four o'clock on Monday morning following, on pain of forfeiting, for each and every offence, the sum of two pounds.

VII. That no eel-pots or fikes of any description shall be allowed on any part of the river; and it shall be lawful for the inspectors to take them whenever they may be found, and if they can ascertain the owner or owners, he or they shall be liable, besides the forfeiture of the eel-pots or fikes, to a fine of one pound.

And whereas it has been the practice of several persons on said river to make walls, and otherwise obstruct the passage of the fish up said river, it shall be lawful for the inspectors, or any of them, to remove, or cause to be removed, the said stone walls or obstructions of any kind; and they are also authorized to examine the mill-dam and premises of Judah W. Bishop, and to remove any further obstructions they may find he still has therein.

That no net or fixture for catching fish shall be put in within twelve rods of said mill-dam, or any other dams on either side of the river.

And in paying said inspectors, if the fines and sales of forfeitures do not amount to a sufficient sum to remunerate them, they are to be paid by the county.

That a sufficient number of inspectors shall be appointed and sworn into office; that they be allowed five shillings per day for each and every day when actually employed; and any two shall be empowered to prosecute all persons found guilty of any breach of the foregoing Regulations, or to remove, or cause to be removed, all obstructions in said river contrary to the above Regulations, and to seize and detain all square nets found fishing during the hours of prohibition, or otherwise used in violation of any of the foregoing Regulations; and all fikes and seines, otherwise than those allowed in the foregoing Regulations, which shall appear to have been used or intended to be used for the purpose of catching fish, found in or about said river, to be in like manner seized, and after the fishing season is passed, to be sold with the square nets, at public auction, and the proceeds to be accounted for at the next General Sessions of the Peace.

No net to be put into the river at the rock or falls at the mouth of the lake.

That no person shall catch any gaspereaux or salmon between the time of six o'clock on Friday evening and six o'clock on Monday morning in each and every week during the fishing season, in the River Gaspereaux, except by what is called fly-fishing, under the pain and forfeiture for each and every offence of the sum of two pounds.

That no person shall take or catch any gaspereaux or salmon in any brook, stream, mill-race, waste-way, water-course, pond, hole, or excavation, adjoining said river, or within twelve rods of the lower or upper end of any such brook, stream, mill-race, waste-way, or water-course, under the pain of forfeiting the sum of five pounds for each and every offence.

That no salmon seine shall be swept or drawn in said river, or any brook, or stream, or branch thereof, at any time before the first day of June in each year; forfeiture three pounds.

No person shall obstruct more than one-third part of the water and breadth of said river, which obstruction shall extend in a straight line across the stream from either bank; forfeiture two pounds.

ADDITIONAL.

Gaspereaux fish may be taken in brooks or rivulets issuing out of Gaspereaux River by square nets, and in no other way; and no obstructions to be placed in said brooks to prevent their return to the river.

It is ordered that all obstructions be removed from the false channel and creeks leading thereto, at Starr's Point, in Cornwallis, above the ground already taken up by Richard Starr, Esquire, E. Bishop, and others, and occupied by them last year; and that

no other obstructions shall be placed therein, and the wing of no seine to be placed within twenty rods of any other seine previously erected; and all fish of every description to be cleared out of the seines at low water, under penalty of ten pounds. NOVA SCOTIA.

It shall not be lawful for any person or persons to take possession of any fishing-place upon the mud-flats in the township of Cornwallis, by placing stakes, marking off the same, to be held and occupied by him or them during the pleasure of the Court of General Sessions of the Peace for the said county: Provided, nevertheless, that the person or persons taking up said ground shall erect a seine or wear thereon on or before the twenty-fifth June, otherwise no possession is obtained.

No person shall erect or set up any seine or wear between the ground that may be taken up as aforesaid, or between any seine erected and the shore; that it shall not be lawful for any person or persons to erect a seine or wear on said mud-flats within fifty rods of the wing of any seine previously erected as aforesaid. And also all such seines or wears to be arranged in such a manner as may be approved of by the inspectors of said fishery; and no seine or wear, including the wings thereof, shall exceed two hundred rods in length.

That it shall be lawful for any inspector or inspectors to remove any obstruction, seine, or wear, that may be erected or set up contrary to the foregoing Regulation; and the owners of said obstruction shall pay all expenses that may arise from removing such obstruction, seine, or wear.

That any inspector called upon to perform duty as such, shall be entitled to receive seven shillings and six pence per day for his services, to be paid out of fines, but in case said fines shall be insufficient to pay the same, the same shall be paid by the county.

That any person or persons who may violate the foregoing Regulations, or any of them, shall pay a fine imposed by law.

That any person taking up ground for fishing as aforesaid, shall forthwith give notice to one of said inspectors.

The foregoing Regulations were passed and established, from time to time, by the Court of General Sessions of the Peace for King's County, and are now in force.

(Signed) W. H. CHIPMAN,
Clerk of the Peace.

Office of Clerk of Peace, King's County,
August 31, 1855.

LUNENBURG.

MAHONE BAY.

It is ordered by the Court of General Sessions, that no net, wear, or other incumbrance shall be set or placed in Mahone Bay, above an imaginary line extending from Benjamin Mader's wharf to Frederick Burgoine's gate, at any time of the year. Two-thirds of the channel in said bay to be left clear.

It is further ordered, that no seine shall be placed, shot, or set in Mahone Bay above an imaginary line extending from Jacob Tanner's wharf, on the west side, across to Henry Acker's wharf, on the east side, at any time during the year.

By order of General Sessions.

Lunenburg, April 1855.

LA HAVE RIVER.

It is ordered by the Court of General Sessions, that no alewives or gaspereaux shall be caught or taken in said river with dip nets between the head of the tide near Hebb's Mill and George Hartling's, between Friday evening at sunset and Monday morning at sunrise in each week; and from George Hartling's upwards none shall be caught or taken with dip nets between Monday morning at sunrise and Tuesday evening at sunset in each week.

That in La Have river, nets may be set from sunrise on Monday morning to sunset on Friday evening in each week below the rise and fall of the tide, and not at any other time of the week.

It is further ordered, that no shear net or bag net shall be set in any part of said river or within the county.

That from Gaff Point, on the one side, and Moser's Head, on the other side of the said river, so far up the river as Nenn's Point, no net or seine shall be set or placed on either side of said river nearer to another than twenty-five rods; and from Nenn's Point as far up as the tide rises no net shall be set or placed nearer to another than fifteen rods, and not longer than twelve fathoms, and shall not be set nearer La Have Bridge than twenty rods, and from the head of the tide upwards no net shall be placed or made use of to extend more than one-third the distance across any part of said river or branches thereof, so that two-thirds of the width of the said river or branches thereof be left clear,

NOVA SCOTIA. and that no net be placed nearer another than fifteen rods above the rise and fall of the tide.

That above the rise and fall of the tide no net, seine, wear, or other incumbrance, shall be set or placed in said river, on the western bank or side of said river or branches thereof, except on Monday and Tuesday in each week; nor on the eastern bank or side thereof, except on Thursday and Friday in each week; and none shall be set nearer to each other than fifteen rods, and all nets to be set at right angles from the shore.

It is further ordered, that the bounds of such river shall be an imaginary line extending from Gaff Point to Moser's Head.

By order of General Sessions.

April 1855.

PETITE REVIERE.

It is ordered by the Court, that no net or seine shall be placed or set in Petite Reviere nearer any wharf than four rods, nor extend more than half-way across the channel of said river, nor nearer to each other than twenty rods, nor within ten rods of Crouse's Mills, nor within thirty-five rods of any bridge.

It is further ordered, that no salmon, shad, alewives, or gaspereaux, shall be caught with dip nets, or otherwise, above or below the bridge at Petite Reviere, between Friday morning at sunrise and Monday morning at sunrise, in each week during the year.

By order of General Sessions.

Lunenburg, 10th day of April, A.D. 1855.

GOLD RIVER, CHESTER RIVER, MIDDLE RIVER, EAST RIVER, AND BRANCHES.

It is ordered by the Court of General Sessions, that no salmon, shad, gaspereaux, or alewives, shall be caught with dip nets or otherwise, between Friday morning at sunrise, and Monday morning at sunrise, in each week, in any of the above rivers or branches thereof; and that no gaspereaux shall be caught nearer the Fish Gate in Chester river, near the Town Bridge, than ten rods.

By order of General Sessions.

Lunenburg, April 1855.

KEDDY'S RIVER.

It is ordered by the Court of General Sessions, that no fish shall be caught with dip-nets, or otherwise, in Keddy's River, Mahone Bay, at Keddy's Mills, from Friday evening at sunset until Tuesday morning at sunrise, in each week; nor from Keddy's Mills to Robar's lower mill, from Saturday evening at sunset until Wednesday morning at sunrise; nor from Robar's lower mill upward, from Wednesday morning at sunrise until Thursday evening at sunset, in each week.

By order of General Sessions.

Lunenburg, April 10, 1855.

TOWNSHIP OF CHESTER.

It is ordered by the Court of General Sessions, that no net, seine, or wear shall be set or placed on the north side of an imaginary line commencing at the south-west extremity of Oak Island, in a direct course to the south extremity of Walker's Point, of any greater length than twenty fathoms, and none to be set nearer another than twenty-five rods; and no net, seine, or wear, shall be set or placed above such imaginary line to the head of the tide, between Friday evening at sunset until Monday at sunrise, in each week: and that no net shall be set within forty rods of the head of the tide; and that no net shall be set or placed in Gold River above the rise and fall of the tide, excepting on the western side thereof, where nets may be set between Wednesday morning at sunrise and Thursday evening at sunset, and at no other time during the week.

It is further ordered, that no shear-net or bag-net shall be set or placed in any part of the county.

It is ordered by the Court of Sessions, that at the mouth of Middle River no net shall be placed or set nearer the Bridge than forty rods, and that none shall be placed or set nearer the Bluff than twenty rods, and that no net shall be set in said river above the Bridge.

EAST RIVER.

It is further ordered by the Court of Sessions that at Eastern River, from Fleet's Point to Tink's Point, no nets shall be set nearer to each other than thirty-five fathoms; and that no net shall be set higher up than the berth called Prescott's Rock, and that no

net shall be set from the island opposite Prescott's Rock, and that no net shall be set nearer the head of the tide than thirty rods. NOVA SCOTIA.

It is further ordered, that at Middle River no gaspereaux or alewives shall be caught with nets, dip-nets, or otherwise, between Friday evening at sunset and Monday morning at sunrise, in each week.

At Martin's River the bounds of the river to be a line running from George Eisenhour's, on the west side, to John Langill's, on the east side, and outside those bounds no net to extend more than one-third across the channel, and no net to be set nearer another than twenty rods.

By order of the General Sessions,
(Signed) DANIEL OWEN, Clerk of the Peace.

Lunenburg, April 10, A. D. 1855.

HANTS.

The Justices in Session having taken into their consideration the great benefits and utility of the Gaspereaux fisheries on the River St. Croix, established on good regulations, do, pursuant to the Acts of the General Assembly of this Province, made and enacted respecting the River Fisheries, order,

That the same place near at the bridge crossing the river on the high road, and such other places as were fished in by the public in general, from said bridge down to the point below the Old Bridge, be fished in as last year, under the following Regulations:

I. That no hedges, wears, fish-garths, or other incumbrances be made, nor any seine or seines be placed across any part of said river, where the fish of any kind do run up in the season for spawning, during the ensuing summer, on pain of being fined ten pounds for every offence, to be recovered as the second section of said Act directs.

II. That no person, gang, or set of fishermen, or others, shall be allowed to sweep with or keep his or their seine in the river, where the fish may happen to be plenty, more than half an hour at a time, in order that all other persons, gangs, or sets of fishermen may have an equal chance while said fish are running. And that, should there be more than one person, gang, or set of fishermen or others, desirous to make trials, or take their chance of taking fish, at one and the same place, that in such case each gang having seines shall sweep or otherwise have their seine in the river for a like half-hour. Those who come to the place first, to be considered as having the right of the first cast or sweep, and so on, as they come, one set after the other. And any set whose turn it may happen to be that do not choose to take a cast or sweep, but prefer waiting till others have done, must be obliged to wait until all other persons, sets, or gangs, have gone through in turn, unless when the fish are slack of running, and it be agreed on by all the sets or gangs to stop a while to let the fish come in plenty, then the person, set, or gang, whose turn it should have been, must have his or their cast or sweep equally the same as if no stoppage had been agreed on.

III. Any sets or gangs in boats or gondolas, put into the said river for the purpose of fishing or catching fish, that may happen to be at the same place where others are with their seines on shore, to observe the same rules as those on shore, and as mentioned in the second clause.

IV. That no person or persons whatsoever shall beat or splash with oars, staves, or any other thing or article whatsoever, in or upon the water, or in any way force the fish into their seine or seines, and shall fairly and properly lower their seine or seines into the water, and make a fair sweep when the fish may be met without going quite across the river.

V. That no dead fish, fish heads, or offal, shall be left on the banks or shore of the river, and as it is known to be detrimental to the running of fish in the season for spawning the next year, the said dead fish, fish-heads, or offals shall not be thrown into the river, but every person, set, or gang, shall be obliged to dig holes on the shore sufficiently deep to bury the said offals of the fish caught by them daily, and have them eighteen inches below the surface of the ground when so buried.

VI. That such persons, sets, or gangs, who wish to benefit by such fishery, and may be prevented by any proprietor or occupier of the lands on either side of the said river, to have room on the shore to place their barrels and salt, and to cure their fish; such persons, sets, or gangs, may, during the season for catching fish, make use of each side of the main road or highway at either end of the bridge, leaving a free passage in the centre of said road of at least twenty feet wide, for themselves to pass, taking care not to leave any dead fish, heads, or offals, or any other thing whatsoever, in the width of said twenty feet, that shall be deemed a nuisance.

VII. That on Monday and Tuesday of every week during the run of the fish in the river, no seines to be put in the river, in order to give all chance possible to all persons in the county who choose to fish with square and scoop-nets; also that on other days when seines are allowed to be used, that all persons using square and scoop-nets shall also be allowed to fish on said days.

VIII. That no person whatever shall take fish in the river, either with seines, scoop, square, or any other nets, from Saturday morning at sunrise until Monday morning at sunrise.

IX. In order to give a fair and equal chance to all who fish with seines, no person to be allowed to have more than one seine to four men, and that the said men, if by order of their employers, or of their own choice, shall change their seine, no advantage shall be taken by them to come in turn as a new set or gang, and shall stop until their time of the turn comes regularly to them, as but one set or gang, notwithstanding the number of seines owned by said set or gang.

X. That said Justices in Session do order that all such person or persons neglecting or refusing to observe and abide by these Regulations, shall forfeit and pay forty shillings for every offence, to be recovered of him or them by complaint of either of the overseers, as the law directs, to whom any person or persons aggrieved are first to make complaint.

XI. It is further ordered, that if any net, seine, or fish-garth, dam, shute, or pound, shall be put or placed in or upon the said river, or any part thereof, on any pretence whatever, at the season when the young alewives or gaspereaux go down the river, the same shall be adjudged a nuisance, and shall be prostrated, and the person or persons who erected the same shall be subject to a penalty of forty shillings for each and every offence, to be recovered as aforesaid. And it is further ordered, that in order to preserve the salmon fishery of the River St. Croix, and south and west branch of the Avon, that no seine, net, pounds, fish-garth, or other incumbrance, shall be at any time set on any of the said rivers more than two-thirds across the same, so as to leave a free passage for the salmon; nor shall any seine or net be drawn or swept across the whole river at any time, nor shall any person or persons beat or splash on the water so as to frighten the salmon into their nets, nor shall any person or persons fish for salmon from sunrise on Saturdays until sunrise on Mondays, during the season for taking salmon.

XII. It is further ordered, that any person or persons who shall set or place his or their seines or nets across the river, contrary to these Regulations, shall be subject to a penalty of ten pounds for each and every offence, to be recovered or applied as the law directs. It is further ordered, that the person or persons who shall be guilty of a breach of any of the foregoing Regulations made for the preservation of the salmon fishery, shall be subject, for each and every offence, to a fine of forty shillings, to be recovered by the inspector, or by any other person or persons (who shall be guilty of a breach) on oath of a credible witness, before any one of Her Majesty's Justices of the town or county wherein the offence shall be committed, one-half thereof to the use of the informer, and the other half to the use of the poor of the township wherein the offence shall have been committed.

XIII. The Court having also considered the great advantage of Gaspereaux and Alewife Fishery, on the south and west branch of the River Avon, in Windsor, in said county, do order, that the same place, near and at the falls of the said river, and such other places as were fished in by the public in general, from the mouth of the creek at Redden's to the said falls in the river, and from the fording-place to the upper end of the Big Island, in the west branch of the said river; * the south branch to be fished in under the same regulations as are established in the River St. Croix Fishery, which regulations and penalties for any breach thereof be, and are hereby extended to the fishery on the south side or branch of the River Avon, the same penalties for any breach of the regulations so extended shall be enforced. The fishermen and persons concerned in the fishery shall have a right to draw their nets and seines, and secure their fish on the island, in the river, and banks of the same rivers. It is ordered, that the inspector take the necessary and legal steps to remove all obstructions to the fishery, and to compel the proprietors of the mill erected on the said river to make a sufficient slope or fish-gate to allow the fish to pass with ease up and down the said river.

XIV. The fishery regulations of the Avon and St. Croix rivers are to be extended to the Kennetcook river, and no person or persons shall build any wear for the catching fish in any bay or shore of this county, without leaving a proper gateway in the same, which shall be thrown open on Saturday evening, under a penalty of three pounds, and not shut until Monday morning. The overseer of fisheries to have power to make regulations how the gate shall be made, so that small fish may get through.

By order of the Court.
(Signed) E. F. HARDING,
Clerk of the Peace.

* So in the original.

PICTOU.

General Sessions, February Term, 1855.

Ordered, that the following Regulations respecting the salmon fisheries in the rivers, bays, &c., of the county of Pictou, be in force, under and by virtue of chapter seventeen of the statutes passed in the sixteenth year of the reign of Her Majesty Queen Victoria, entitled "An Act to amend chapter ninety-five of the Revised Statutes," and also of chapter ninety-five of the Revised Statutes:—

Ordered, that the limits of the several rivers in the county hereinafter mentioned shall be and extend to the points and places hereinafter named, to wit: the East, Middle, and West rivers, to the light-house in the harbour of Pictou; Sutherland's river, French river, and Barney's river, from Savage Point to King's Head; Little Harbour, Baillie's brook, to low-water mark on Gulf Shore; Big and Little rivers of Carriboo, from the upper or big entrance to the little entrance of Carriboo harbour; Toney rivers to low-water mark on the Gulf Shore; and River John from Cape John to Rocky Point.

That all nets set beyond the limits fixed on the boundaries between the Rivers and Sea Fishery, along the shores of this county, shall be taken up, or be tied up to the back rope, at distances not exceeding one yard, from sunrise on Saturday to sunset on Monday, and all persons violating these regulations shall be prosecuted as the law directs.

No salmon shall be taken in any manner between the first day of September and first day of March, in any of the rivers of this county, unless beyond the limits fixed as to extension of rivers towards the sea.

That James Murdoch and Robert S. Lowden, Esquires, be overseers to carry the above Regulations respecting the Shore or Bay Fishery into effect within the county.

By order of Sessions.

(Signed)

J. W. SKINNER,

Clerk of the Peace.

Pictou, February 12, 1855.

QUEENS.

General Sessions, January 1855.

I. That no nets whatever shall be set or made use of for taking fish in any of the rivers in this county from and after sunset on Wednesday, until the following Tuesday morning before sunrise (except licensed nets, as hereinafter mentioned), under a penalty of twenty shillings for each and every offence.

II. That the length of the salmon-nets shall not exceed eighteen fathoms, that may be set within a line from Eastern Head to Moose Harbour, in Liverpool Harbour, and from the Western Head to Toby's Island, at Port Medway, or within the mouth of Broad river, or within Steward's Creek, at Port Mutton, and not less than five inches mesh, under a penalty of twenty shillings for each and every offence.

III. That each family be allowed to set one salmon-net only, and the owner's name be on the buoy, the surname at full length; and that he put his buoy down by the tenth day of May; and that no person shall be allowed to set in his own name, and in the name of any other person, more than two salmon-nets, the second of which shall be actually owned by the person whose name is on the buoy; that in order to prevent the evasion of this Regulation, if the warden of the river fishery, or any of his deputies, shall have any doubt of the ownership of such salmon-net or nets, such warden or deputies are hereby authorized to seize such net or nets, until the reported owner thereof, or a credible person in his behalf, shall, within twenty-four hours after notice of such seizure, make oath before a Justice of the Peace, in the presence of said warden or deputy-warden, of the actual ownership thereof; and in default of such proof, within the said twenty-four hours, such net or nets shall be forfeited and sold, and the proceeds thereof applied as the law directs in cases of fines. For a breach of this Regulation, as regards the name on the buoy, penalty five shillings; and for setting more than one net, penalty forty shillings.

IV. That no sheer nets be allowed to be set in any of the rivers of this county, nor any nets set with stakes in the form of a pound, but all nets shall be set straight, under the penalty of not less than five pounds.

V. That no dipping for alewives or other fish, be allowed from and after sunset on Wednesday, and before sunrise on Tuesday, or any other morning of the week before six o'clock, in any of the rivers of this county; and that there shall be no fishing with nets for alewives in Port Medway river, between the Main Bridge at Mills Village, and Seely's Dam at Salter's Falls, on said river, from sunset on Wednesday until sunrise on Tuesday morning, under the penalty of not less than two pounds, and not to exceed five pounds for each offence.

NOVA SCOTIA. VI. That no nets be left on the bridges or stages at any time, on the days on which fish are prohibited to be caught, nor on other days, under a penalty of five shillings for each offence.

VII. That no bait-nets shall be set from sunset on Wednesday until sunrise on Tuesday, except by those persons regularly and solely engaged in the cod fishery for the season, who may be permitted to take bait on the days excepted, by first obtaining a written license from Patrick Gough, at Liverpool, and Matthew Park, at Port Medway; the fee for such license to be two shillings and sixpence; and such license shall specify the place where and the number of nets to be set, and also the length of the nets and size of the mesh. Said nets shall not exceed twenty-five fathoms, and must have the owner's name on the buoy. No license to be transferable, but to be used only by the persons obtaining the same, or some of the crew actually engaged in fishing in the craft for which the license is obtained, under the penalty of twenty shillings for each offence.

VIII. That all stakes and kellocks shall be taken up by the persons who put them down, immediately at the close of the fishery, and not to be put down again before the first Monday in March the following year, at noon, under the penalty of twenty shillings.

IX. That no dog-fish, or offal of fish, or guerry, shall be thrown into the harbour of Liverpool, above Eastern Head or Moose Harbour, nor in Port Medway Harbour above Neil's Point, under the penalty of forty shillings for each offence.

X. That no set nets be attached to any of the dams in this county; and no spearing whatever of salmon be allowed in any of the rivers of this county, under the penalty of not less than one pound, nor over ten pounds.

XI. That no salmon-net be set, or dipping for fish of any kind be allowed after the thirtieth day of July, under the penalty of five pounds for each offence. This regulation not to affect salmon-nets setting below a line from Moose Harbour to the Eastern Head, in Liverpool Harbour, and from Western Head to Toby's Island, in the Harbour of Port Medway, which may be allowed to set any time of the year, from sunrise on Monday morning to sunset on Friday in each week.

XII. That no net of any kind be set above the aforesaid lines, of a longer mesh than two and three-quarter inches, previous to the fifteenth day of August, unless licensed by the warden of the river fishery. This regulation to be of force also for Port Medway Harbour, and agreeably to the line defined in said harbour, under the penalty of not less than twenty shillings for each offence.

XIII. That Indians be allowed to dip fish from their canoes, subject to the foregoing Regulations, and that the large rock at Bear Falls on the Port Medway river be and is hereby reserved to the full free use of the Indians, for the purpose of fishing on each day that fish are allowed to be taken.

XIV. That at Port Jollie all nets shall be set in no other way and place than up and down on the west side of the river; said nets to be fifty feet apart. Penalty for a breach of this section, twenty shillings.

XV. That no eel-pots shall be set at the tail of any mill in any part of the Liverpool and Port Medway rivers, from the first day of April to the first day of October in every year. Penalty for a breach of this Regulation, twenty shillings.

XVI. That on Tuesday and Wednesday in each week, from sunrise to sunset of each day, the inhabitants of this county shall be allowed to freely fish in any of the rivers or streams in this county, with the exception of spearing salmon.

XVII. That no person shall, by sweeping with net or seine, take or attempt to take, any salmon in any river, stream, lake, or water-course in this county, above where the tide rises and falls, under a penalty of a sum not exceeding ten pounds.

By order of the Sessions.
(Signed) WILLIAM BRYDEN, Clerk of the Peace.

SYDNEY.

General Sessions, January 7, 1855.

It is ordered, that no salmon-net or nets be set within half-a-mile of the harbour's mouth outside, nor any net or nets be set inside.

(Signed) JAMES WILKIE, Clerk of the Peace.

COLCHESTER.

RIVER FISHERY REGULATIONS.

That no person shall be allowed to set a wear across any channel or low ground where wears have formerly been placed (except such persons as have occupied said ground before), at a less distance than half-a-mile above said wear. This order to take effect between Little Dyke, in Londonderry, and the county line at Five Islands.

That no person shall be allowed to set out a greater number of cod-hooks than one gross between Little Dyke and the county line at Five Islands. No person shall violate this order.

(Signed) JOSEPH DICKSON,
Clerk of the Peace, Colchester.

COUNTY OF HALIFAX.

Court of Quarter Sessions,
June Term, 1851.

The following Rules and Regulations for the salmon fishery at Sheet Harbour having been this day submitted to the Board, the same are confirmed, and ordered to be in force from this date:—

I. That the following Rules and Regulations shall extend and be in force from Campbell Cove, situated to the north-eastward of the eastern passage into Sheet Harbour, and westwardly to Giffard's Island, situated to the western entrance of said harbour, including Hosier's Island, and the several islands within said limits; also the bay, harbour, and rivers of Sheet Harbour.

II. That each salmon-net to be set within said limits shall not exceed the length of forty-five fathoms, with five fathoms additional to sheer, and no more, and that no more than one of such nets shall be set in any one salmon-berth; also each net not to exceed the depth of forty meshes.

III. That the time for setting of salmon-nets and commencing salmon fishery, shall be the tenth day of May in each year, and to continue until the tenth day of July in the same year, and no longer.

IV. That each proprietor of land shall hold two proprietor's berths on said land, and no more, and that all salmon-nets shall be set at the distance of one quarter of a mile apart, and no nearer, except proprietor's berths.

V. That no bag-net, or any other description of net or seine for the taking of salmon, shall be set or moored within the limits of these Rules and Regulations, except such as are already described, and that no person, not being an inhabitant within these limits, shall be entitled to carry on the salmon fishery in this place, without the consent of the several overseers of the fisheries in this place, and to be subject to these Rules and Regulations.

VI. That each owner of mills on the several rivers of this place shall put, or cause to be put, on the upper end of each mill-race or floome of such mill, a good and sufficient grating to be made of hardwood or iron bars, to be approved of by the overseers of the fisheries in this place; the same to be placed and secured on or before the first day of May in each year, and to continue until the thirteenth day of October in the same year, and that one-third of width of each stream or river shall be left clear of any incumbrance whatever.

VII. That the following persons be overseers of fisheries in this place for the present year, and until the appointment of others in their place, viz.: Daniel Wright, John Whitman, and Patrick Murphy; and that the penalty for breach of any of these Rules and Regulations shall be the sum of twenty shillings for each and every offence, in addition to the forfeiture of the offender's net or nets in all cases after the first offence; one half to the prosecutor, and the other half to the overseers of the poor, for the benefit of the poor in this place, the same to be sued for and recovered as in cases of common debt, provided that no penalty be sued for after the expiration of one year from date of the offence.

VIII. That on complaint being made to any one of the overseers of the fisheries in this place, he shall proceed immediately to inquire into cause of such complaint, and for non-attendance to such duty he shall be liable to the penalty set forth in these Rules and Regulations, for each and every such neglect of duty; and it shall and may be lawful for such overseers in case of breach of any one of these rules to lift and take the offender's net

NOVA SCOTIA. or nets out of the water, and keep them in possession till such offender shall comply with these Rules and Regulations, such offender to pay the expense of so doing on delivery of his nets.

IX. That the foregoing Rules and Regulations shall be in force from the first day of May in the present year, and to continue in force until the same shall be altered by a public meeting called for that purpose.

COUNTY OF GUYSBOROUGH.

The following Regulations were adopted by the Court of General Sessions of the Peace for the district of St. Mary's, July Term, 1853, for the regulating of the river fisheries in St. Mary's river:

That the bounds within which the river fisheries shall be conducted in the said St. Mary's river, shall be from the out end of Shag Point at the mouth of the river, to extend up the river to the county line of Halifax county, up the west branch of St. Mary's river to the county line of Pictou county, up the east branch of said river, and to the county line of Sydney county up the Antigonish branch.

That the nets set in the said river from Shag Point to the county lines as above described, shall be taken up before sunset on Friday evening, and not again set until Monday morning after sunrise, during the fishing season, viz., from the thirty-first day of March to the thirtieth day of July following, in each and every year.

That the warden, his deputies, or overseers of the fisheries are hereby authorised to take any net or nets he or they may find illegally set, or not taken up at the time before mentioned, and the person or persons so violating these Regulations shall pay to the said warden, his deputies, or overseers of the fisheries, a sum not less than ten shillings nor more than ten pounds; and if the owner of such net so taken up shall refuse to pay his fine, the same shall be sued for and collected as a civil debt, according to the late Act of the River Fisheries, Section 4, Session 1853.

That no net set in the river shall extend more than one-third the distance across the channel of said river in a straight line. That no net shall be set nearer than two hundred yards from any other net set in the river. That no net set in the lakes above the head of the tide shall be longer than twenty-five fathoms.

(Signed) A. P. MCKENZIE,
Clerk of the Peace, District St. Mary's.

Court of Quarter Sessions, March Term, 1856.

Halifax, ss. County.

At the Court of General Quarter Sessions, held this day, the following were established as the boundaries and limits for the various rivers in this county, and likewise the Rules and Regulations relative to setting nets, wires, &c., therein, agreeably to and in accordance with the Act regulating the river fisheries, and ordered to be in force from the date hereof.

Dated at Halifax, this 18th day of March, 1856.

By the Court,
(Signed) JAMES S. CLARKE, Clerk of the Peace.

Ecum Secum.—Shipley's Head, East; Western Head, West.
Necum Chaugh or Mosher's River.—Smith Beach, East; Indian Island, West.
Quaddy River.—Nolan's Point, West; Harbour Island, East.
Beaver Harbour, Salmon River.—Harbour Rock, East; Big Black Rock, West.
Sheet Harbour.—Taylor's East, to pass Monrou Island, until it strikes a south line from Campbell's Cove.
Tangier River.—Hog Island Point, East; Tangier Point, West.
Ship Harbour, Charles' River.—Steps Point, West; Big Seal Island, East.
Newcomb's Brook, Ship Harbour.—Otter Island to Jacob Tracey's bounds on fence, north side.
Jedore River.—The bridge on east side of road.
Salmon River, Preston.—Lawrencetown Beach.
Little Preston River, Cole Harbour.—Conrad's Beach, in a direct line to the western shore.
Chezetcook River.—Cape Antrim, West; Story's Point, East.
Musquodoboit River.—Jeddore Head, East; Dunn's Rocks, West.
Prospect River.—Kelly's Point, West; The Roost, East.
Pennant Bay.—From a cluster of rocks lying north from Martin's Wharf to Jacob Marriott's land west in a direct line.

Cow Bay River.—Phillis Point, West; Red Head, East.

Sackville River.—The southern points of the Narrows; Halifax Harbour above Richmond.

Shag Bay River.—Black Point, West; Shag Bay Head, East.

Hosier's River.—John Umlah's, Southern; William Maginey's, North, extreme outerpoints.

North East River.—Slauenwhite's Point; Duffie's Head.

Indian River.—Duffie's Point to Slauenwhite's Point.

Ingraham's River.—From Seal Point to the outside southern end of Black Point.

Hubbart's Cove.—Dauphiney's southern point to opposite shore west.

Rules and Regulations relative to Setting of Nets, Wears, &c., in the various Rivers in the County of Halifax.

I. That all salmon or other nets set within the limits of rivers as defined by order of Sessions, shall be lifted by sunset on Friday, and not be again set until sunrise on Monday, under a penalty, on conviction, of not less than ten pounds, for each offence. In salt-water nets may be tied to head-rope, at a distance not exceeding two yards apart.

II. No sweeping with nets to be allowed for gaspereaux or any other fish within the limits of rivers, from Thursday at sunset, until Monday at sunrise, under a penalty of or not less than three, or more than ten pounds for each offence.

III. No wears to be set in any way so as to obstruct the free run of fish at any time, under a penalty of not less than three, or more than ten pounds, for each offence.

DISTRICT OF ARGYLE.

FISHERY REGULATIONS.

General Sessions of the Peace, April Term, 1856.

The Court of General Sessions of the Peace for the District of Argyle, agreeably to the Act passed on the thirty-first of March last, appointed three Justices a Committee, who, with three Councillors appointed by the Municipal Council of Yarmouth, made and ordered that the following Regulations be and are hereby made the Regulations for the fisheries of Tuskent river and its branches in which the District of Argyle and the other parts of the county are jointly interested, for the ensuing year, viz. :—

I. That no net of any description be set or drawn over more than one-third of the channels of said river or its branches, under the penalty of three pounds for each offence, and forfeiture of all nets found setting contrary to this section.

II. That no wears or garths for the purpose of catching fish in Tuskent river below Hatfield's Falls extend below low-water mark, so as to interfere with the channel of said river, and shall be open for the free passage of fish from Friday morning at sunrise until Monday morning at sunrise, and to be taken up on or before the fifteenth day of November, under the penalty of three pounds. Any person convicted of shutting or closing said wears or garths, or of taking fish out of the same from Friday morning at sunrise until Monday morning at sunrise, shall pay a penalty of three pounds for each offence, and all fish thus caught to be forfeited.

III. That no salmon-wears or wings be built on said river, under the penalty of three pounds, and all nets found set at the wing or wings of any wear shall be forfeited.

IV. That no wear shall have a gate or gates open up stream to take fish coming down, before the fourth day of June, under the penalty of three pounds for each offence.

V. That no salmon be caught from the first day of September to the first day of March, under the penalty of three pounds.

VI. That no nets be set nearer than fifty yards of the foot of any falls on Tuskent river after the first day of May, under the penalty of three pounds and forfeiture of nets.

VII. That no fish be taken within forty feet below any mill-dam, under the penalty of three pounds and the fish forfeited.

VIII. That no person or persons shall take or attempt to take fish in any way or manner in the Tuskent river and the branches thereof from Friday morning at sunrise to Monday morning at sunrise, under the penalty of three pounds and forfeiture of fish and implements used in catching them.

NOVA SCOTIA.

IX. That no salmon-nets be set nearer together on the same side of the river or its branches than one hundred yards, and no herring-nets shall be set below a salmon-net nearer than ten yards, and no two herring-nets shall be set nearer together than eighty yards on the same side of the river, excepting they are owned by the same person, under the penalty of twenty shillings for each offence.

X. That Tuskent river generally shall be kept open thirty feet wide (but not to apply to mill-dam gates, or fish-stands, as at present erected), Reynard's Falls ten feet wide, and Salmon river ten feet wide, during the whole year; and the little branch of the Forks ten feet wide until the first day of June, under the penalty of three pounds and forfeiture of fish caught contrary to this Regulation.

XI. That all mill-dams on the Tuskent river and branches thereof (except the salmon river), be opened for the free passage of fish on or before the twelfth day of May, and continue open until the twentieth day of July, under a penalty of three pounds for each offence. And also all the said dams, or a sufficient passage, shall be kept open from the twentieth day of July until the last day of October following, for the free passage of the young fish down to the salt water or sea, under the penalty of three pounds.

XII. That Tuskent river shall be considered to extend (for the purpose of the fisheries) to the south side of Birch Island.

XIII. That no person owning lands upon said river or any of its branches, shall, upon any pretence whatsoever, fell trees into said river or the branches thereof, or suffer others to throw brush, slabs, or staves into said river or branches thereof in front of their lands or premises so as to obstruct the free passage of the fish, on penalty of twenty shillings for each and every offence.

XIV. That the permission of the overseers shall not be required for the carrying down of timber and other articles; if any timber remaining in said river be not forthwith removed, the offender or offenders shall incur the penalty of three pounds for each offence, unless reasonable cause be shown to the contrary before the Justices before whom the penalty shall be sued for.

XV. That the whole of Tuskent river and its branches shall be deemed free for the public for fishing with scoop-nets, except the stands now reserved for owners of the land, but with no other net or implement, under the restrictions hereinafter mentioned: in Hatfield's Falls, Jacob Hatfield shall have two stands of thirty feet in length each, eight feet in breadth, which eight feet are to be considered clear of the front of the boat or works from which the fish are caught, and to extend the length of thirty feet aforesaid of his choosing, to make known his choice to any of the overseers of the fishery in two days after notice of the Regulations, and in any other year on or before the twentieth day of April; also, Cornelius Van Norden shall have two stands of the same description as last stated, and John Wood shall have two shares at said falls of the same description; also, Peter Hurlburt two stands of same description; also, at Reynard's Falls, Job Reynard shall have two stands, and William Hurlburt two stands as before described; at Gavel's Falls, James Hatfield shall have two stands, as before described, on his side of the river, and John Gavel two stands on his side of the river; and also that the widow Sarah Hatfield be allowed two stands in front of her premises between the bank of the river and the edge of the channel on the western side of Hatfield's Falls and below the mill at Howitt's; also, Edward Raynard one stand at the Rock in Hurlburt's Falls; and any person or persons who shall molest or disturb or encroach upon any of the persons mentioned in this clause in the several above-described situations shall forfeit for each offence the sum of twenty shillings, and also if any of the owners of the land herein mentioned shall molest any person fishing elsewhere, the person so offending shall forfeit for each offence the sum of twenty shillings.

XVI. That every boat anchoring or mooring in streams for the purpose of scooping fish, shall, after she is loaded, give way immediately to others to take their place in rotation; and, to prevent the intent of this clause being defeated, no person or persons shall shift or put the fish caught in one boat into another, nor shall put any salt to any fish in said boat, under the penalty of twenty shillings for each offence.

XVII. That no person or persons shall molest another who is fishing agreeable to these Regulations by hauling in boats or putting out poles, to disturb persons fishing in any other way or manner whatsoever, so as to hinder them from taking fish, under the penalty of twenty shillings for each offence.

XVIII. That Tuskent river shall be kept open its whole width between the fishing-stands of Jacob Wood and Hugh N. Hatfield as now established.

XIX. That when the river be contracted to twenty feet in width, no boat shall be allowed to anchor or lay within said twenty feet, but the same shall be kept open at all

times free from all incumbrances ; and whenever Salmon River or Reynard's Falls shall be contracted to ten feet, the same regulations shall be observed ; the little branch at the Forks shall be under the same regulations when contracted to six feet, under the penalty of twenty shillings for each offence.

XX. That the branches on the east side of the island in the falls, called Bennett's Falls, be considered branches of Tusket river, and shall be under the same regulations and penalties as any of the branches of Tusket river.

XXI. That no wears or garths whatsoever shall be built across said river or any of the branches thereof ; and any person or persons who shall be caught fishing, or taking any fish out of any flume or wear built across said river or branches thereof as aforesaid, shall be deemed the builders thereof, and pay a fine of three pounds each person, and shall forfeit all fish so caught.

XXII. That no flumes or eel-pot shall be set anywhere upon Tusket river or any of the branches thereof above Hatfield's Falls, under the penalty of twenty shillings for each offence, excepting Hurlburt's Falls, where eel-pots may be set with their mouths down stream.

XXIII. That no floor be made in the branch of the said river called Salmon river, of timber, plank, or boards, or any other article, except the mill-dams across the said river, under the penalty of three pounds.

XXIV. That the waste-gates and water-ways made in the mill-dams across the said river be free for the fish to pass through the same, and no person shall take any fish on the eastern side of the said river between Kinney's Mill-dam and the north line of William Wyman's, under the penalty of three pounds for each offence. The said gates shall be opened from first day of May.

XXV. That that part of Salmon river being a branch of the Tusket river, which lies between the foot of the lower falls and the line at the orchard between J. L. Hatfield's and Ballam's land, including both sides of the river, shall in future be opened and free for the public to fish therein, and to erect such fish-walls as are necessary ; subject, nevertheless, to the Regulations heretofore made respecting fish-walls.

XXVI. That part of the last-mentioned river which lies between the Salmon Lake and the second island down stream, including both sides of the river, shall be open and free for the public to fish in, and to erect such fish-walls as are necessary ; subject, nevertheless, to the regulations heretofore made respecting fish-walls.

XXVII. That no pound, wear, or other incumbrance be allowed in the Salmon river, a branch of the Tusket river : and any person or persons building or using such pound or wear shall forfeit and pay a fine not exceeding three pounds, nor less than ten shillings.

XXVIII. That from the north line of William Wyman's to the mouth of Salmon river, one half of said river, on the eastern side (to be determined by a line to be drawn through the middle of said river), shall be free for all persons, as in manner aforesaid, and under the penalties for improper fishing in the Regulations before mentioned ; except that Israel Wyman shall have one fish-stand between the bridge on the Pond road and the Little Lake, and James L. Hatfield and John Ballam shall have one fish-stand between them at the orchard.

XXIX. That no nets be set in the Salmon river where said river does not exceed one hundred feet in width.

XXX. That the nets on Salmon river be under the same regulations as on the Tusket river.

XXXI. That the narrows or falls at William W. Andrews' shall be subject to the same Regulations with regard to setting nets as the other falls on Tusket river.

XXXII. That one half of the fines shall be to the informer, and the other half for the use of the poor of the township where the offence is committed. Every complaint for breach of these Regulations shall be made on oath within thirty days after the same shall be committed, before a magistrate, if in Argyle, or a Judicial District Commissioner, if in Yarmouth.

XXXIII. That the time of opening the gates in the mill-dams above Porter's Mill be on or before the twelfth day of May ; the gates in the mill-dams at Carleton, on or before

NOVA SCOTIA. the fifteenth day of May; the gates in the mill-dams at the Bad Falls, on the first day of May; and Miller's mill-dam gates at Coldstream, and English mill-dam gates, on the first day of May.

By the Court.
(Signed)

JOHN TOOKER, Clerk of the Peace.

Encl. 2 in No. 4.

Enclosure 2 in No. 4.

EXTRACTS and COPIES of ACTS and PROCLAMATIONS in force in relation to the Fisheries in Nova Scotia.

Provincial Secretary's Office, Halifax,
September 6, 1856.

(Extract.)

CHAPTER XCIV OF THE REVISED STATUTES.

Of the Coast Fisheries.

XIX.* All coasting vessels under sixty tons burden owned in this province, and engaged in the coasting trade thereof, shall be furnished with a narrow piece of plank or iron, affixed to the bottom of the keel, and level therewith, extending aft at least six inches beyond the aperture between the stern-post and rudder, and well secured on the keel. But this section shall not extend to vessels in which the main or false keel extends six inches beyond the aperture between the stern-post and rudder.

XX. Any owner or master of a coasting vessel not so furnished or built, running foul of any net set off the harbours, bays, and rivers of the coast, shall upon due proof thereof forfeit five pounds, to be recovered by the party injured to his own use as a private debt, leaving to the party grieved, nevertheless, his rights at common law for any further damage.

XXI. In this chapter "vessels" shall include ships; and "harbours" shall include ports, bays, and creeks.

(Extract.)

CHAPTER XCV OF THE REVISED STATUTES.

Of River Fisheries.

I. The Sessions may from time to time make orders for regulating river fisheries; and any person who shall transgress such orders shall forfeit a sum not exceeding ten pounds for each offence.

VI. The Sessions shall annually appoint such and so many places on the rivers and streams as may be attended with the least inconvenience to the owners of the soil, or the rivers as resorts for the purpose of taking fish, but the same and the enactments herein contained shall not extend to any species of fish from the sea, except salmon, bass, shad, alewives, and gaspereaux.

VII. In cases where a river shall be the dividing line between two counties, the orders and regulations of the Sessions in each county shall have force and effect only to the centre of the channel of the river being such dividing line.

VIII. The Sessions may from time to time make orders for the setting and drifting of nets, the erecting and placing of weirs, and generally for the conducting of fisheries in all the bays, harbours, rivers, streams, or creeks, or on the shores thereof, or those of any of the counties, to be enforced by penalties not exceeding ten pounds for breach of any such order, and shall appoint overseers for such fisheries, and define the limits of their jurisdiction, and the overseers shall see such orders carried into effect.

X. No person shall, by spearing or sweeping with net or seine, take any salmon in any river, stream, lake, or water-course above where the tide usually rises and falls, and nets for taking salmon above the usual rise and fall of the tide shall be set or placed only on one side of such river, stream, lake, or water-course, and at such times as shall be fixed by the Regulations of the Sessions. No stake, seine, wear, net, or other contrivance for taking salmon shall be set or placed within one quarter of a mile next below any mill or dam erected across any such river, stream, or water-course, and no net for taking salmon shall extend more than one-third of the distance in a straight line across such river, stream, or water-course.

* See 3rd Section of 18 Vict., cap. 1, page 61.

XI. Any person who shall violate the provisions of the last section shall forfeit NOVA SCOTIA. a sum not exceeding ten pounds, and, in addition, all spears, implements, canoes, boats, nets, seines, wears, and other contrivances used or employed in, about, or preparatory to the taking of salmon contrary to the preceding section, or to any orders of Sessions made or to be made thereunder, shall be liable to forfeiture, and the same may be seized at once under warrant of any Justice and detained until the trial of the offender, when they may be declared forfeited, and ordered to be sold at public auction. If, upon appeal from the judgment of the Justice, the owner or possessor of the articles so declared forfeited shall give security to pay into such Justice's hands the value thereof, to be by him estimated. In case the judgment appealed from shall be confirmed, then such owner or possessor shall be entitled to their immediate restoration.

XII. Every person discovered at night with a spear and torch, or a torch only, in or about any river, stream, lake, or water-course, above the rise and fall of the tide, either in a boat, or canoe, or otherwise, and apparently equipped for taking or spearing salmon, shall be considered in the act of spearing salmon, and the burthen of disproving the same shall be upon the party so discovered.

XIII. The Regulations of Sessions relative to the fisheries not being deep-sea fisheries in force at the time this chapter comes into operation, shall remain in force for one year thereafter, unless previously altered by the Sessions.

16 VICT., CAP. XVII.

An Act to amend Chapter XCV of the Revised Statutes: "Of River Fisheries."

[Passed the 4th day of April, A. D. 1853.]

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

I. No salmon shall be taken in any manner between the thirtieth day of July and the first day of March in each year, in any of the rivers of this Province, except in salt water, below low-water sea mark, under a penalty of twenty pounds.

II. Whoever shall take any salmon after sunset on Friday, and before sunrise on Monday, in any of the rivers of this Province, shall forfeit and pay twenty shillings; and whoever shall purchase, or offer for sale, any salmon taken in such rivers, between the thirtieth day of July and the first day of March, shall forfeit and pay twenty shillings.

III. The Governor in Council may appoint wardens of the river fisheries in the several counties of this Province, whose duty it shall be to appoint deputies, and to watch over and protect such fisheries, and to enforce all the provisions of the Law, and the Rules and Regulations of the Sessions, with relation to such fisheries: which wardens shall be subject to the directions of the Governor in Council, and shall be liable to a penalty not exceeding ten pounds for misconduct or neglect of duty.

IV. All fines and penalties imposed by this Act, shall and may be recovered as in cases of debt, before any Justice of the Peace, with costs, and when recovered shall be paid into the county treasury, and appropriated, one-half to the warden who instituted the proceedings for the recovery of such fines and penalties, and the other half to the use of the county.

V. Nothing herein contained shall prevent the wardens or their deputies from being competent witnesses on any proceedings for the recovery of any such fines or penalties, by reason of their being entitled to any portion thereof.

VI. The wardens, in addition to their proportion of such fines and penalties, shall respectively demand and receive from the provincial treasury the sum of twenty-five pounds annually.

VII. In every dam now or hereafter to be constructed on any streams or rivers resorted to by fish from the sea, for the purpose of spawning, a proper and suitable fishway, of such dimensions as the warden shall direct, shall be made and kept open.

VIII. The wardens and their deputies shall examine all rivers, streams, lakes, brooks, and mill-ponds, so resorted to by fish from the sea, for the purpose of spawning; and in case any mill-dam erection, nuisance or obstruction, or any slabs, boards, stones, or other things injurious to the fisheries, shall be constructed, made, or placed, or suffered to be or remain in, upon, over or across the same, by which fish cannot freely pass and repass, it shall be the duty of such wardens or deputies to report the fact in writing, under oath, to any Justice of the Peace in the county.

NOVA SCOTIA.

IX. The Justices of the Peace to whom such complaint shall be made, shall forthwith notify the Clerk of the Peace, and a Special Sessions of three or more Justices shall thereupon be convened, and such Special Sessions shall examine into such complaint, and if the same be well grounded they shall, by an order in writing, direct the person offending to remove the obstruction complained of within a limited time; and such Special Sessions may also impose upon the party so offending a fine of not less than two pounds, or more than ten pounds for each offence, together with costs to be taxed by such Special Sessions.

X. Such Special Sessions shall and may, by warrant under their hands and seals, direct either the warden or the sheriff of the county, or both, within a certain limited period, to remove the nuisance or obstruction complained of; and every person called upon by such warden or sheriff, is hereby required to aid and assist such officers in carrying out the directions of such warrant, under a penalty of not less than one pound nor more than five pounds.

XI. If any person convicted under this Act shall neglect or refuse to pay the fines and penalties imposed, and costs, the Special Sessions may issue their warrant for enforcing payment thereof by sale of the personal property of such person, and in default of payment such person shall be committed to the gaol of the county for the space of three months, or until he shall have paid such fine and costs.

XII. Any person who shall feel himself aggrieved by any judgment or conviction under this Act, may appeal, on giving security to abide the event of such appeal, to the next General Sessions, who shall hear and determine such appeal, and make such final order as they shall see fit.

XIII. The Sessions are authorized to define the bounds within which the fisheries shall be conducted within the rivers in this Province; and how far such rivers shall be considered to extend towards the sea.

XIV. Sections II, III, IV, V and IX, of chapter ninety-five of the Revised Statutes, "Of River Fisheries," are hereby repealed.

NOTE.—The first section of the foregoing Act has been repealed.

17 VICT., CAP. XXIV.

An Act relating to the River Fisheries.

[Passed the 3rd day of April 1854.]

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

I. The Sessions, on application by petition of twenty freeholders of the county, stating that the provisions of sections two, three, four, and five, of chapter ninety-five of the Revised Statutes, cannot be carried out in reference to any particular stream, or part of a stream, without destruction of, or the most serious damage to, mill-property situate thereon, and praying exemption as regards such stream, or part of a stream, from the provisions of such sections, may appoint three disinterested freeholders of the county to repair to the spot and examine into the truth of the allegations of such petition. Such freeholders before acting shall be sworn by a Justice to the faithful discharge of their duty, and on making their report shall file the same with the Clerk of the Peace for the county, who shall, if the same be favourable to the prayer of the petition, post notices containing the substance of the report in at least six public places in the county, for the space of thirty days before the next sessions.

II. At the next sessions the proceedings may be considered and objections heard, if any shall be made thereto, and the Sessions shall disallow or confirm the report, which, if confirmed, shall be recorded, and thereafter the stream, or part of stream, to which such proceedings relate, shall be exempt from the operation of the sections in the last clause named.

III. The expenses of the freeholders appointed by the Sessions shall be taxed by the Court, and borne by the petitioners.

IV. Section I of the Act to amend chapter ninety-five of the Revised Statutes is hereby repealed, and hereafter the time for the taking of salmon in any of the rivers of this province, except in salt water, below low-water mark, shall be regulated by the Sessions. Until the next General Sessions meet, such regulations may be made at a Special Session convened for the purpose.

NOTE.—The first section of the foregoing Act is amended by the Act cap. 30, of 1855.

An Act for giving effect on the part of the Province of Nova Scotia to a certain Treaty between Her Majesty and the United States of America.

[Passed the 13th day of December, 1854.]

Whereas it is expedient to provide for giving effect, as regards this province, to the Treaty between Her Majesty and the United States of America, signed on the fifth day of June, in the year of our Lord one thousand eight hundred and fifty-four: Be it therefore enacted, by the Governor, Council, and Assembly, as follows:

I. Whenever the Governor of this province shall, by proclamation, declare that the Treaty has taken effect according to the terms thereof, the articles enumerated in the Schedule to this Act, being the growth and produce of the United States of America, shall be admitted into this province free of duty, so long as the Treaty shall remain in force, any Law, Act, or Statute to the contrary notwithstanding; except that if at any time the United States shall, under the terms of the Treaty, suspend the operation of the Third Article thereof, so far as this province is affected thereby, then the Governor of this province may, if he see fit, declare such suspension by proclamation, after which the exemption from duty under this Act shall cease while such suspension shall continue, but the Governor may again, whenever such suspension shall cease, declare the same by proclamation, from and after which such exemption shall again take effect.

II. It shall be lawful for the Governor in Council, by any order or orders to be made for that purpose, to do anything further in accordance with the spirit and intention of the Treaty, which shall be found necessary to be done on the part of this province to give full effect to the Treaty, and any such order shall have the same effect as if the object thereof were expressly provided for by this Act.

III. When and so soon as the Treaty shall be declared by proclamation of the Governor to be in force, and to have taken effect according to the terms thereof, as provided for by the first section of this Act, the first eighteen sections of the ninety-fourth chapter of the Revised Statutes, "Of the Coast Fisheries," together with such provisions of all other Laws, Acts, or Statutes of this province now in force as are contrary to or inconsistent with the terms and spirit of the Treaty, are hereby declared to be suspended as regards citizens and inhabitants of the United States of America, and vessels, boats, and crafts belonging to the citizens and inhabitants of that country, and shall continue to be so suspended and not in force so long as the Treaty shall continue and be in force, any Law, Act, or Statute to the contrary notwithstanding.

Schedule to this Act.

Grain, flour, and bread-stuffs of all kinds.
 Animals of all kinds.
 Fresh, smoked, and salted meats.
 Cotton-wool, seeds, and vegetables.
 Undried fruits, dried fruits.
 Fish of all kinds.
 Products of fish, and all other creatures living in the water.
 Poultry, eggs.
 Hides, furs, skins, or tails, undressed.
 Stone or marble in its crude or unwrought state.
 Slate.
 Butter, cheese, tallow.
 Lard, horns, manures.
 Ores of metals of all kinds.
 Coal.
 Pitch, tar, turpentine, ashes.
 Timber and lumber of all kinds, round, hewed, and sawed, unmanufactured in whole or in part.
 Fire-wood, plants, shrubs, and trees.
 Pelts, wool.
 Fish-oil.
 Rice, broom, corn, and bark.
 Gypsum, ground or unground.
 Hewn, wrought, or unwrought burr or grindstones.
 Dye-stuffs.
 Flax, hemp, and tow, unmanufactured.
 Unmanufactured tobacco.
 Rags.

NOVA SCOTIA.

PROCLAMATION.

Province of }
Nova Scotia. }

By his Excellency Colonel Sir John Gaspard le Marchant, Knight, Knight Commander of the Orders of Saint Ferdinand, and of Charles the Third of Spain, Lieutenant-Governor and Commander-in-chief in and over Her Majesty's Province of Nova Scotia and its Dependencies, &c., &c., &c.

Whereas the Legislature of the said province did, on the thirteenth day of December last, pass an Act entitled "An Act for giving effect, on the part of the Province of Nova Scotia, to a certain Treaty between Her Majesty and the United States of America:"

Now, therefore, in pursuance of the authority to me granted by the said Act, and for the purpose of giving full effect, on the part of the said province, to the said Treaty, I do, by this Proclamation, declare that the said Treaty has taken effect according to the terms thereof, whereof all persons whom it may concern are to take notice, and govern themselves accordingly.

Given under my hand and seal at arms, at Halifax, this twenty-first day of March, A.D. 1855, and in the eighteenth year of Her Majesty's reign.

By his Excellency's command,

(Signed)

LEWIS MORRIS WILKINS.

(L.S.)

J. GASPARD LE MARCHANT.

18 VICT., CAP. XXX.

An Act to Amend the Act relating to the River Fisheries.

[Passed 2nd day of April, 1855.]

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

I. The first section of the Act passed in the seventeenth year of Her Majesty's reign, entitled "An Act relating to the River Fisheries," is hereby amended as follows:—

The petition of the twenty freeholders shall, instead of the statement required by such section, set forth that the provisions of sections seven, eight, nine, and ten of Act passed in the sixteenth year of Her Majesty's reign, entitled "An Act to amend chapter ninety-five of the Revised Statutes, 'Of River Fisheries,'" cannot be carried out in reference to any particular stream, or part of a stream, without the consequences in that section set forth, and the residue of such section and the other sections of the Act shall be construed and operate in the same manner as if such first section had originally stood as hereby amended.

I certify that the within collection of the Acts of this province for the preservation of the fisheries is complete and authentic; the first eighteen sections of chapter ninety-four of the Revised Statutes being suspended as to American fishermen by the eighteenth Victoria, chapter one.

Halifax, September 6, 1856.

(Signed)

W. YOUNG,
Attorney-General.

PRINCE EDWARD ISLAND.

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PRINCE
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ISLAND.

No. 5.

No. 5.

COPY of a DESPATCH from Lieutenant-Governor DALY to Sir W.
MOLESWORTH.

Government House, Prince Edward Island,
October 16, 1855.

(Received November 5, 1855.)

SIR,

In compliance with the directions contained in your despatch of August 3, No. 2, I have the honour of transmitting to you the enclosed authentic copies of all the Laws and Regulations in force in this Island for the preservation of the Fisheries, with the certificate of the Attorney-General thereto attached.

In further obedience to your instructions, I have the honour to inform you that I have transmitted similar certified copies of the same to the Governor-General of Canada, the Lieutenant-Governors of Nova Scotia and New Brunswick, and to the Governor of Newfoundland.

Her Majesty's Minister at Washington has also been furnished with similar copies.

The Right Hon. Sir W. Molesworth,
&c. &c. &c.

I have, &c.
(Signed) D. DALY.

Encl. in No. 5.

Enclosure in No. 5.

7 VICT., CAP. XXIX.

An Act for the preservation of the Herring and Alewives Fisheries in this Island.

[Passed March 30, 1844.]

Nets not to be set
in the daytime, nor
left so set between
sunrise and sunset.

Mode of obtaining
removal of nets so
set or left set.

Penalty on party
offending herein.

Not to subject
party to penalty if
prevented removing
same by stress of
weather, &c.

Penalty on persons
wilfully injuring
nets.

WHEREAS the herring and alewives fisheries are of great benefit to this island, and it being the opinion of many concerned therein that the leaving of nets set in the day-time is prejudicial to the said fisheries: Be it enacted by the Lieutenant-Governor, Council, and Assembly, that from and after the passing of this Act no person or persons shall set any net or nets, in the day-time, for the purpose of catching herrings or alewives, or shall leave any such net or nets set in any of the bays, harbours, rivers, or creeks in this island, between sunrise and sunset; and any person or persons who may feel aggrieved thereby may, and they are hereby required, to give notice to the owner or owners thereof, or to any other person or persons entrusted with or concerned in such net or nets, to remove the same forthwith, and, on refusal or neglect, to proceed immediately to take up all such nets; they shall be subject and liable to a penalty not exceeding twenty shillings for the first offence, and for the second and every future offence shall be liable to a fine not exceeding five pounds, the said fines to be recovered and disposed of as hereinafter mentioned: Provided always, that this Act shall not subject any person to a fine or penalty when gales of wind or stress of weather shall render it impracticable or endanger the life of any person or persons to remove such net or nets in the day-time as may have been previously set.

II. And be it enacted, that any person or persons who shall wilfully or designedly injure or destroy any net or nets set or placed for the purposes aforesaid, and properly buoyed or secured, shall for every such offence forfeit and pay to the party injured a sum not exceeding five pounds, together with reasonable costs, to be recovered as hereinafter mentioned.

III. And be it enacted, that any person or persons who shall, at any time or season of the year, set any nets or seines across the mouths or outlets of any streams in this island, or across any other part of such streams, so as to prevent fish from passing into and up such streams, shall be liable to a penalty not exceeding five pounds.

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Penalty on persons setting nets or seines across mouths, &c., of streams or other parts to prevent fish passing.

IV. And be it enacted, that all fines and penalties arising under or by virtue of this Act, shall be recovered, with costs, on the oaths of two credible witnesses, before any one of Her Majesty's Justices of the Peace, or a Commissioner for the Recovery of Small Debts, being a Justice or Commissioner for the county or district wherein the offence shall have been committed, and shall be paid to the party who may sue for and recover the same; and if goods and chattels cannot be found whereon to levy such fines and costs, then the offender shall be committed to the gaol of the county wherein the offence was committed, for a period not exceeding sixty days, there to remain, without being entitled to the benefit of any Act made for relief of insolvent debtors, or for granting the limits of gaols in this island.

Mode of recovery of penalties imposed by this Act.

Appropriation of penalties.

Terms of imprisonment when offender has no goods or chattels on which to levy penalty.

V. And be it enacted, that this Act shall continue and be in force for ten years from the passing thereof, and from thence to the end of the then next session of the General Assembly, and no longer.

Continuance of Act.

18 VICT., CAP. XXIX.

An Act to continue and amend the Act relating to the Herring and Alewives Fisheries in this Island.

[Passed April 17, 1855.]

Whereas the Act seventh Victoria, chapter twenty-nine, intituled "An Act for the preservation of the Herring and Alewives Fisheries in this Island," will shortly expire, and it is necessary to continue and amend the same: Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly, as follows:—

I. That so much of the fourth section of the hereinbefore recited Act as requires the fines and penalties imposed by this Act to be recovered on the oath of two credible witnesses, shall be, and the same is hereby repealed; and from and after the passing hereof, the oath of one or more credible witness or witnesses shall be sufficient to convict any person or persons of any of the offences mentioned and defined in the said hereinbefore recited Act.

II. The said Act, save and except in so far as the same is repealed and amended by this Act, shall be, and the same is hereby continued for ten years from the passing hereof, and from thence to the end of the then next session of the General Assembly and no longer.

8 VICT., CAP. XX.

An Act for the Regulation of the Mackerel Fishery.

[Passed April 17, 1845.]

Whereas it is expedient to make provisions for the regulation of the mackerel fishery: Be it enacted by the Lieutenant-Governor, Council, and Assembly, that from and after the passing of this Act, no person or persons shall set any net or nets in the day-time for the purpose of catching mackerel, or shall leave any such net or nets set in or on any part of the bays, shores, harbours, or rivers of this island between sunrise and sunset; and any person or persons who may feel aggrieved thereby, may, and they are hereby required to give notice to the owner or owners thereof, or to any other person or persons entrusted with or concerned in such net or nets, to remove the same forthwith, and on refusal or neglect to proceed immediately to take up all such nets, they shall be subject and liable to a penalty not exceeding twenty shillings for the first offence, and for the second and every future offence shall be liable to a fine not exceeding five pounds; the said fines to be recovered and disposed of as hereinafter mentioned: Provided always, that this Act shall not subject any person to a penalty when gales of wind or stress of weather shall render it impracticable, or endanger the life of any person or persons, to remove such net or nets in the day-time, as may have been previously set.

Nets not to be set in the day-time for the purpose of catching mackerel, nor to be left in any bay, harbour, &c., between sunrise and sunset.

Mode of proceeding to obtain removal of nets in such cases.

Penalty on party not removing nets on notice, &c.

Unless prevented by stress of weather.

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Penalty on person wilfully destroying or injuring nets.

Regulates the setting of mackerel nets, and the distance at which they may be set.

Distances at which such nets are to be set from each other, &c.

Penalty on persons offending herein or against last preceding section.

Distance at which nets are to be set from low water-mark when a seine shall be in use at the same place.

No person to lay hold of seine, fasten boat thereto, or dip fish therefrom, without consent of owner.

Penalty for offending herein.

Mode of recovery of penalties imposed by this Act.

To whom payable. Offender to be imprisoned if no goods or chattels can be found to levy upon for penalty.

Continuance of Act.

II. And be it enacted, that any person or persons who shall wilfully or designedly injure or destroy any net or nets set or placed for the purposes aforesaid, and properly buoyed or secured, shall, for every such offence, forfeit and pay to the party injured a sum not exceeding five pounds, together with reasonable costs, to be recovered as hereinafter mentioned.

III. And be it enacted, that no person or persons shall hereafter set or place either one or more nets, the length of which shall exceed forty-five fathoms affixed or joined together, on any part of the bays, shores, harbours, or rivers of this island; and every person who may set or place one or more nets therein, of the length aforesaid, shall leave a space of at least sixty fathoms between each and every net or length of nets, when connected as aforesaid, that the course or passage of mackerel or other fish may not be hindered or obstructed thereby.

IV. And be it enacted, that no person or persons shall hereafter set or place any net-moorings nearer than sixty fathoms to any other net-moorings that may be set or placed on any part of the shores, harbours, bays, or rivers of this island, nor shall any person or persons suffer or permit his, her, or their net-moorings to remain so set and placed, unless such person or persons shall set and affix a net or nets, or cause a net or nets to be affixed or set thereto at least twelve hours in every forty-eight hours during the fishing season; provided such person or persons be not necessarily prevented from setting and affixing any net or nets to his, her, or their net-moorings by sickness, stress of weather, or other unavoidable cause. And any person or persons offending against the provisions of this, or of the last preceding clause, shall be liable to a penalty not exceeding twenty shillings for each offence.

V. And be it enacted, that no person or persons shall hereafter set or place any net or nets, net-moorings or net-moorings, within one hundred and fifty fathoms from low-water mark, on any or either of the hauling-grounds on the shores, and in the bays, harbours, or rivers of this island during the hauling season, and while there shall be stationed at any such hauling-ground or grounds at least one seine manned and prepared for hauling mackerel thereat, under a penalty not exceeding fifty shillings for the first offence, nor more than five pounds for every subsequent offence.

VI. And be it enacted, that no person or persons, other than the seine men, shall presume to lay hold of, tie or fasten his or their boat or boats to any seine or seines enclosing, encircling, or containing any mackerel or other fish on the hauling-grounds of this island, or presume to dip any fish from and out of any seine or seines that may be there hauled, until the owner or owners of such seine, or other person having the charge and management thereof, shall publicly declare his assent thereto, or give his permission to such person or persons to dip and take fish thereout, under a penalty not exceeding twenty shillings for the first offence, nor exceeding fifty shillings for every subsequent offence.

VII. And be it enacted, that all fines and penalties arising under and by virtue of this Act shall be recovered, with costs, on the oath of (at least) one credible witness, before any one of Her Majesty's Justices of the Peace or Commissioners for the recovery of Small Debts, being a Justice or Commissioner for the county or district wherein (or off the shores of which) the offence shall have been committed, and shall be paid to the party who may sue for and recover the same; and if goods and chattels cannot be found whereon to levy such fines and costs, then the offender shall be committed to the gaol of the county wherein the offence, as before stated, was committed, for a period not exceeding sixty days, there to remain, without being entitled to the benefit of any Act made for the relief of insolvent debtors, or for granting the limits of gaols in this island.

VIII. And be it enacted, that this Act shall continue and be in force for ten years from the passing thereof, and from thence to the end of the then next Session of the General Assembly, and no longer.

15 VICT., CAP. XLII.

An Act relating to the Alewives and other Fisheries, and the appointment of Protectors or Overseers of Fisheries; and to prohibit the taking of Salmon after a certain period of the year, and for other purposes therein mentioned.

[Passed April 3, 1852.]

Whereas it is expedient to make further provision for the preservation and improvement of the alewives and other fisheries: Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly, as follows:—

I. On application being made by not less than twenty persons, resident near to any fishing station in this island, including two Justices of the Peace, it shall and may be

lawful for the Lieutenant-Governor of this island, by and with the advice and consent of Her Majesty's Executive Council of this island, if he shall think fit, to nominate and appoint one fit and proper person to be overseer or protector of the alewives and other fisheries at such station or place; and every such person so appointed shall be entitled to receive from the Public Treasury of this island, the yearly sum of five pounds, upon his producing a certificate on or before the last day of January in each year, from two of the nearest Justices of the Peace, stating that to the best of their knowledge he has faithfully performed the several duties enjoined upon him by this Act: Provided always, that at no one time shall any greater number of protectors or overseers than six be appointed to receive allowance under this Act.

II. It shall be the duty of the said persons so to be appointed protectors or overseers as aforesaid, annually, when they apply for their allowance under this Act, to furnish a return, in writing, to the Government, of the quantity and descriptions of fish, during the then previous year, caught or taken within or near to their respective precincts; and they are hereby severally authorized and required within such their precincts, at all times of the year, by all legal ways and means, strictly to enforce the provisions of this Act, and of the Act of the seventh year of Her present Majesty, chapter twenty-nine, and of the Act of the eighth year of the reign of Her present Majesty, chapter twenty, and of all other Acts of the General Assembly of this island, regulating the fisheries of this island, and the setting of nets in the bays, rivers, and streams thereof.

III. It shall be the further duty of such overseers or protectors so to be appointed as aforesaid, after it shall be ascertained that the alewives have come up into the ponds and creeks, to proceed to the neighbourhood thereof, and to the most usual and general fishing places within their respective precincts or stations, and continue to be there, or at such place or places at which they may consider it most necessary to attend, for a period not less than eighteen working days; and to warn persons against, and prevent the improper and unlawful setting of nets or seines; and it shall be lawful for any persons aggrieved by the illegal or improper setting of nets or seines, to notify the nearest overseer or protector thereof, who is, thereupon, hereby required to investigate the circumstances, and if he shall find that the nets or seines have been illegally or improperly set, he shall and is hereby authorized to abate and remove the same, and to prosecute the person to whom they belong, or who shall have set them, for the penalties imposed by this or any other Act in force relating thereto.

IV. There shall be furnished to each person so being appointed protector or overseer as aforesaid, a copy of this Act, and also of the Act of the seventh year of the reign of Her present Majesty Queen Victoria, chapter twenty-nine, and also of the Act of the eighth year of the reign of Her present Majesty, chapter twenty.

V. It shall be unlawful for any person, by spearing or sweeping with net or seine, or otherwise, after the first day of October in any year, until the first day of May in the following year, to take or attempt to take any salmon in any river, bay, creek, pond, or stream in this island.

VI. Any person who shall violate the provisions of the last clause, shall forfeit a sum not exceeding five pounds for each and every offence, the same to be sued for and recovered with costs, before any one of Her Majesty's Justices of the Peace for the county wherein the offence is committed, on the oath of one or more credible witness or witnesses, and one-half thereof shall be paid to the protector of fisheries or other person who may sue for the same, and the other half shall be paid into the Treasury of this island, for the use of Her Majesty's Government.

VII. Every person, after the said first day of October in any year, who shall be discovered, at night, with a spear or torch only, in or about any river, bay, creek, pond, or stream in this island, either in a boat or canoe, or otherwise, and apparently equipped for taking or spearing salmon, shall be considered in the act of spearing salmon, and the burden of disproving the same shall be upon the party so discovered—Indians excepted.

VIII. If any person who accepts the office of overseer or protector of the alewives and other fisheries, shall wilfully refuse or neglect to perform any of the duties enjoined upon him by this Act, he shall forfeit and pay a sum not exceeding ten pounds, together with reasonable costs, the same to be recovered before any two Justices of the Peace, in the name of Her Majesty, with costs, and to be paid into the Treasury, to and for the use of Her Majesty's Government.

JOSEPH HENSLEY,
Attorney-General.



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No. 6.

No. 6.

EXTRACT of a DESPATCH from Governor DARLING to Sir W. MOLESWORTH.

(No. 60.)

Government House, St. John's,
September 29, 1855.

(Received October 23, 1855.)

I HAVE the honour to transmit herewith a copy of the Report from the Law Officers of the Crown, which has been furnished in fulfilment of the instructions conveyed by your despatch of the 3rd ultimo, No. 6, and which I shall take care to communicate to the British Minister at Washington, with whom I have already been in correspondence on the subject to which it relates.

2. You will perceive by this Report, which is entirely accordant with that of the late Attorney-General, Mr. Archibald, dated July 5, 1853, copy of which was transmitted with my predecessor's despatch No. 46 of July 12, 1853, that there are in fact no Laws or Regulations whatever relating to the fisheries, practically in force in this Colony.

3. With respect to the law which is still on the statute-book, for imposing a duty upon herrings and capelin exported in such a state as to make them available for bait, I have already had the honour of submitting my views, in my despatch No. 26 of the 8th July last.

Encl. in No. 6.

Enclosure in No. 6.

The Acting Attorney-General and Acting Solicitor-General to the Colonial Secretary.

SIR,

St. John's, Newfoundland,
September 17, 1855.

IN reply to your communication transmitting a copy of a despatch from the Right Honourable the Secretary of State for the Colonies to his Excellency the Governor, dated the 23rd of August last, requesting him to forward to the British Minister at Washington authentic copies of all the laws and regulations of the Legislature, or other competent authority of Newfoundland, on the subject of the fisheries of this island, we have the honour to report, in compliance with the desire of his Excellency, that, apart from the common law of England, which is in operation here, so far as it is applicable to the circumstances of the Colony, and the several Treaties defining the relative rights of England, France, and the United States of America to the fisheries of this Colony, there are no special enactments of the Local Legislature in operation here for the regulation of the fisheries.

2. In relation to the export of fish, certain duties are made payable by the local Act 8 Vict., cap. 5, upon the exportation of fish. Salted or pickled herrings or caplin, if exported in bulk, 3s. per cwt., and upon salted or pickled caplin, if exported in barrels, 2s. 6d. per barrel. This Act, which was passed to check the traffic in bait with the French, was amended as to the exportation of herrings to any part of the British dominions, by permitting the master of every vessel exporting herrings in bulk to give bond for the amount of the duties, which bond shall be cancelled upon the production, within one year of the date of it, of a certificate from a duly-qualified person at the port of discharge, that such herrings had been landed within the British dominions. This Act having been found insufficient to prevent the evil which it was passed to correct, has not been enforced for some years past, and is now quite inoperative. Supposing it to be in any way inconsistent with

the Treaty for the establishment of free trade with the United States of America, it must be regarded as suspended, so far as general words can do so, with reference to the citizens of that country pursuing the fisheries on our coasts under the Treaty; for the local Act 18 & 19 Vict., cap. 2, being an Act to give effect on the part of this island to the Treaty for the establishment of reciprocal free trade with the United States, suspends all the laws of this island which are contrary to or inconsistent with the spirit of the Treaty.

(Signed) P. F. LITTLE,
Her Majesty's Acting Attorney-General.
JNO. HAYWARD,
Her Majesty's Acting Solicitor-General.

NEWFOUND-
LAND.
