

1864. Tilley, S.L. "Fishery Regulations under the Act 26 Victoria, Chapter 6." Journal of the House of Assembly of the Province of New Brunswick, from the sixteenth February to the Thirteenth April, 1864, Being the Third Session of the Nineteenth General Assembly. Fredericton: G.E. Fenety, 1864. Appendix. Pp. 12

## APPENDIX No. 11.

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### FISHERIES.

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#### **Fishery Regulations under the Act 26 Victoria, Chapter 6.**

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##### GOVERNMENT NOTICES.

In pursuance of the powers conferred by the Act 26 Victoria, Chapter 6, Section 4, intituled "An Act relating to the Coast and River Fisheries," His Excellency the Lieutenant Governor in Council has been pleased to constitute and appoint the undernamed Fishery Districts for the Province of New Brunswick:—

1. The Island of Grand Manan and the Fishing Grounds and Gurry Grounds thereto adjacent.

2. The Island of Campo Bello and the West Isles, with the Coast of the County of Charlotte, and the Streams in that County falling into the Bay of Fundy.

3. The River Saint John from its mouth to the lower line of the Parish of Prince William, together with the tributaries of the said River between the above named points.

4. The remaining course of the River Saint John, from the lower line of the Parish of Prince William to the River Saint Francis, together with the tributaries of the said River between the above named points, so far as the same are within the boundaries of the Province of New Brunswick.

5. All that part of the Miramichi River and Bay lying between the lower or northeastern end of Middle Island, below Chatham, and the line dividing the Counties of Gloucester and Northumberland on the north, and extending on the southerly side from the said Island in an easterly direction to Point Escuminac, with the tributaries of the said River and Bay, and around all the Islands situated therein.

6. The Miramichi River from the lower or northeasterly end of Middle Island, below Chatham, to the lower or northeasterly end of Beaubear's Island, together with the North West Miramichi River, and the tributaries thereof.

7. The South West Miramichi River from the lower end of Beaubear's Island to Boiestown, together with the tributaries of the said River between the above named points.

8. The remaining course of the South West Miramichi River above Boiestown, together with its tributaries above that point.

9. That part of the Gulf Shore and Bay Chaleur lying between the point where the line dividing the Counties of Northumberland and Gloucester strikes the same, and the mouth of the Nepisiguit River, together with the Rivers flowing into the Gulf and Bay between those points, and around all the Islands situated therein.

10. The Nepisiguit River with the tributaries thereof, and the Sea Coast from the mouth of the Nepisiguit River to the western boundary line of the County of Gloucester, together with the course of the Streams which flow into the Sea between those points.

11. The Sea Coast from the western boundary line of the County of Gloucester to Morris's Rock, above the head of the tidal waters of the River Restigouche, together with the course of the Streams falling into the Sea between those points.

12. The remaining course of the River Restigouche, and the tributaries thereof, so far as they are within the Province of New Brunswick.

The following Rules and Regulations have been made by His Excellency the Lieutenant Governor in Council, under the provisions of the aforesaid Act, and are published for the information and guidance of all concerned:—

#### GENERAL REGULATIONS.

1. No net or apparatus for taking salmon shall extend more than one third of the distance in a straight line across any River, Stream, or water-course; and where such third part shall include or take in more than one third of the main channel, no net shall extend over more than one third of the main channel; and where any River is divided into small channels by a Bar or Island, or Bars or Islands, no net shall extend more than one third across any such channel, under the penalty of twenty dollars.

2. Every person having in his or her possession any light, or spear or other like instrument, for the purpose of catching salmon or grilse, under such circumstances as to satisfy the Court before which he is tried that he intended at the time to catch salmon or grilse by means thereof, shall be liable to a penalty of ten dollars.

3. Every person who shall wilfully injure the young of salmon, or disturb any spawning bed, or any bank or shallow on which the spawn may be, or who shall throw any lime, chemical or drug into any Stream or River whereby the fish, or spawn of fish, may be injured, shall for each offence pay a fine of ten dollars.

4. Every person who shall wilfully disturb, or attempt to catch or kill salmon during the spawning season, or while on the spawning beds, shall for each offence pay a fine of ten dollars.

5. No net shall be set or used for the purpose of taking salmon with the mesh or meshes of less dimensions than five inches in extension from knot to knot, nor shall two or more nets be placed behind or near to each other in such manner as practically to diminish the mesh of the nets used.

6. All salmon nets shall have the name of the owner legibly marked, branded or scribed on two pieces of wood or metal attached to the same; and such marks shall be preserved on such nets during the fishing season in such manner as to be visible without taking up the net or nets, and for every day any such net shall remain set without such marks, the owner shall pay a fine of two dollars.

7. The owner or owners of nets used for the purpose of taking salmon, shall be liable to and pay the following annual tax, namely:—For every net

so used of fifty fathoms in length, fifty cents, and for every fathom over fifty, one half cent; and the owner of every weir or trap used or set for the purpose of taking any fish, shall pay an annual tax of one dollar for every such weir, and of ten dollars for every such trap.

8. On the Rivers, Coast and Bays of the Counties of Gloucester, Northumberland, and Kent, no trap or engine shall be erected or set within three miles of the mouth of any River, Bay, or Inlet, nor in any water of less depth than three fathoms, nor with meshes of less than three and a half inches measured from knot to knot; nor shall any leading net be permitted to be attached thereto of a greater length than one hundred fathoms, nor shall any leading net extend into shallower water than two fathoms, under a penalty for each and every offence of forty dollars; and for every day they may be continued set or erected, five dollars.

9. No net shall be set, nor seine set or drawn, nor net be allowed to remain set in any River or its tributaries, or in any Bay or Harbour in the Province, between sunset on Saturday night and sunrise on Monday morning, except as excepted by the Act; and no nets shall be placed within a less distance than one hundred and eighty feet of each other, under a penalty for each of the above offences of twenty dollars.

10. Whoever shall directly or indirectly sell or offer for sale, or whoever shall purchase any salmon caught or taken out of season, shall forfeit and pay the sum of two dollars for each salmon so sold or offered or exposed for sale, purchased, or bartered.

11. All pickets or stakes placed in any River, Bay, or Harbour, for fishing purposes, or for the purpose of securing the nets, shall be lifted or removed within ten days after the nets are removed therefrom, if the said nets are removed before the period fixed by law for taking up such nets; or if such nets are not so removed, then such pickets shall be removed within ten days after the period fixed by law for such nets to be taken up, under a penalty of four dollars per day for each and every day such pickets, or any of them, may remain thereafter.

12. If any net, seine, hedge, weir, fish garth, trap, or any incumbrance, or any drift net, shall be found in any River, Cove, or Creek, contrary to the provisions of these Rules, or of the Acts of Assembly relating to the Fisheries, it shall and may be lawful for a Warden or Overseer of the Fisheries, and they and each of them are hereby required respectively forthwith to seize the same; and if the owner or owners shall not appear to claim the same within six days, such net, seine, trap, or fish garth, or a portion thereof when deemed advisable, shall, together with the fish, if any be found therein, be forfeited and sold at public auction by the said Warden or Overseer; and in such cases when it is thought desirable by the Warden or Overseer to destroy a portion of the said hedge, weir, fish garth, or trap, the same may be destroyed or removed by the said Warden or Overseer.

13. If any Overseer of the Fisheries, or Warden, shall at any time wilfully and knowingly delay, neglect or refuse to perform the duties of his office, such offender shall forfeit and pay for every offence the sum of twenty dollars,

## FISHERY REGULATIONS.

## DISTRICT REGULATIONS.

## DISTRICTS Nos. 1 &amp; 2.

1. No person shall set any net, or cast or draw any seine, or otherwise catch any fish, from sunset on Saturday until sunrise on the following Monday morning, on the sea coast or around the Islands in the County of Charlotte, between low water mark and three marine miles from the shore, under a penalty of forty dollars for each offence, or imprisonment for twenty days.

2. Whenever the Fish Warden may determine that gates in fish weirs are necessary, the owner or owners of such weirs, or person using the same, shall cause the said gates to be kept open from sunset on Saturday until sunrise on the following Monday morning, under a penalty of forty dollars for each offence.

3. No person shall set any line or lines on which are placed hooks to catch fish, within three marine miles of the said Coasts or Islands, under a penalty of forty dollars or twenty days imprisonment for each offence.

4. The third Regulation shall not apply to catching fish by hand lines in the hands of the fishermen at the time.

## DISTRICTS Nos. 3 &amp; 4.

1. No person or persons shall erect or set up any hedge, weir, or fish garth, or other incumbrance, or place any seine or seines, net or nets, across any River, Cove, or Creek, in any such manner as to obstruct, hurt or injure the natural course of the fish in any River or place where they usually go or resort, under a penalty of twenty dollars.

2. No net shall be set longer than thirty fathoms in length, and sixty meshes in depth, nor extend more than thirty fathoms into any River, Cove, or Creek, nor more than one fourth part of the width of the water between the shore on either side of such River, Cove, or Creek, and any Island or sand bar in such River, Cove, or Creek; and no drag net or seine shall be used in any River, Cove, or Creek, to sweep the same, or either of them, more than one fourth part of the width thereof, under a penalty of five dollars for each and every offence.

3. The width of all such Rivers, Coves, or Creeks, where there are any Islands or sand bars, shall be computed from the opposite shore to the Island or sand bar to where the waters surrounding the said Islands or Bars are three feet deep.

4. No net shall be used as a drift net in what is commonly called the Jemseg, or what is called the Thoroughfare, or the entrance of the Washademoac River, commonly called the Washademoac Creek, under a penalty of twenty dollars.

5. In case of shallow Rivers, where the water is not three feet deep or more, no net or other incumbrance shall extend more than one fourth of the width of such River or Stream, under a penalty of five dollars for each and every offence; such width to be computed from the one shore of such River or Stream to the opposite shore.

## DISTRICTS Nos. 5, 6, 7 &amp; 8.

1. No net whatever to be set off any Island, middle ground, or shoal, in the Bay, Harbour or River Miramichi and its Branches, excepting as hereinafter permitted; no net to be set from the western extremity of Huckleberry Island, to the lot formerly owned by Thomas Ian, now or lately 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 200 fathoms from three feet water at low water: From the lower line of the Lacey lot, to the eastern line of the lot lately owned by John Mark Crank Delesdernier, at the mouth of Black River, no net to extend into the Bay more than 200 fathoms; from thence to the Point aux Car, no net to extend into the Bay more than 200 fathoms; from Point aux Car to the lot owned by Alexander M'Donald, no net to extend into the Bay more than 300 fathoms from low water; a base line to run from the said Alexander M'Donald's lot to Point Cheval; no net to extend into the Bay more than 300 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 250 fathoms from low water; no net to be set off the inside of Bay du Vin Island, to extend into the Bay more than 68 fathoms from low water, and from the outside to extend into the River more than 150 fathoms from low water; no net to be set off the inside of Egg Island to extend into the Bay more than 68 fathoms from low water; and from the outside to extend into the River more than 100 fathoms from low water; a base line to run from the upper extremity of the 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 200 fathoms from the said line; and no net set from the said line to be nearer than 100 fathoms to the said Green Point; from the said Green Point to within 40 rods of the site of the fish shed formerly occupied by James Anderson, and now or formerly occupied by Murdock, no net to be set to extend into the Bay more than 150 fathoms from low water; from thence to the lower extremity of East Point, no net to extend into the River more than 80 fathoms from low water; no net to be set off East Point to extend into the River more than 50 fathoms from low water; no net to be set off Sheldrake Island to extend into the River or Bay more than 60 fathoms from low water; no net to be set off Hay Island, opposite Neguac, to extend into the Bay more than 200 fathoms from low water; from thence to lot No. 81, formerly owned by the late James Fraser, Esquire, deceased, inclusive, no net to extend into the Bay more than 300 fathoms from low water; and no net to be set in the said space to be more than 200 fathoms in length; from thence to lot No. 76, formerly owned by James Thom, deceased, inclusive, no net to extend into the Bay more than 208 fathoms from low water; a base line to run from low water on lot No. 76, 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 250 fathoms from the said line; from thence to the lower line of lot No. 71, no net to extend into the Bay more than 200 fathoms from low water; no net to be set in front of lot No. 71, to extend into the River more than 70 fathoms beyond 60 fathoms from low water; a base line to commence at the upper line of lot No. 71, or Moody's Point, at low water mark, and end at low water mark on lot No. 69, from thence to continue to low water mark on lot No. 66; no net to extend into the River more than 65 fathoms from the said line; no net to be set in front of the lots Nos. 65 and 66 to extend into the River more than 65 fathoms from

low water; no net to be set in front of lots Nos. 64 and 63, to extend into the River more than 70 fathoms from low water; no net to be set in front of lot No. 62, to extend into the River more than 65 fathoms from low water; no net to be set in front of lot No. 61, to extend into the River more than 45 fathoms from low water; from lot No. 61 to lot No. 59, inclusive, no net to extend into the River more than 65 fathoms from low water; no net to be set in front of the lots No. 58, No. 57, No. 56, No. 55, and No. 54, to be longer than 65 fathoms beyond 40 fathoms from low water; no net to be set in front of the lots No. 53, No. 52, and No. 51, to be longer than 65 fathoms beyond 50 fathoms from low water; no net to be set in front of lot No. 50, to extend into the River more than 65 fathoms from low water; from thence to lot No. 39, inclusive, no net to be set to extend into the River more than 37 fathoms from low water; no net to be set in front of lot No. 38, to extend into the River more than 50 fathoms from low water; no net to be set in front of lots No. 37, No. 36, No. 35, and No. 34, to extend into the River more than 68 fathoms from low water; from thence to the Brook on the upper side of Gillmour, Rankin & Co's. wharf, Douglstown, inclusive, no net to extend into the River more than 70 fathoms from low water; from thence to lot No. 14, inclusive, no net to extend into the River more than 50 fathoms from low water; from thence to lot No. 5, inclusive, no net to extend into the River more than 42 fathoms from low water; from thence to lot No. 1, inclusive, no net to extend into the River more than 55 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 30 fathoms from low water; from thence to the Saw Mill Cove, inclusive, no net to be set to extend into the River more than 40 fathoms from low water, except in front of lots formerly occupied by James Oxford, Duncan M'Intyre, and George Hubbard, where the nets shall not extend into the River more than 20 fathoms from one foot of 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 80 fathoms from low water; from thence to the upper Bass Fishery, no net to extend into the River more than 40 fathoms from low water; from thence to Dunbar's Point, no net to extend into the River more than 60 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 80 fathoms; from thence to William Matchett's upper line, no net to extend into the River more than 30 fathoms from low water; no net to be set on the north side of the North West Branch, or any of its tributaries, from the said William Matchett's upper line upwards, nor for the south side from the mouth of the Little South West upwards, to extend more than one third across the said Branch or the Channel thereof, or any of its tributaries; no net whatever to be set off the south side from the lower line of James Johnston'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 30 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 40 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 30 fathoms from one foot of 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 50 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 No. 9; no net to extend into the River more than 65 fathoms from the said line; from the said point of lot No. 9 to Terrill's Point, no net to extend into the River more than 65 fathoms from low water, excepting in front of lots Nos. 18 and 19, where the nets may extend 65 fathoms beyond 20 fathoms at low water; no net to be set off Terrill's Point to extend into the River more than 40 fathoms from low water; a base line to run from Terrill's Point to the lower end of Middle Island; no net to be set to extend into the River more than 48 fathoms from the said line; no net to be set from Middle Island towards the north shore to extend into the River more than 50 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 No. 50, being the property lately occupied by Theophilus DesBrisay, Esquire, to extend into the River more than 52 fathoms from low water, excepting in front of lots Nos. 28 and 29, which shall not exceed 60 fathoms from low water; and in front of lot No. 32, no net to extend into the River more than 38 fathoms from low water; no net to be set in front of lot No. 33, to extend into the River more than 55 fathoms from low water; no net to be set in front of lots No. 50, No. 51, No. 52, No. 53, and No. 54 inclusive, to extend into the River more than 60 fathoms from low water; from thence to lot No. 58 inclusive, no net to extend into the River more than 60 fathoms from low water; no net to be set in front of lots No. 59, No. 60, and No. 61, to extend into the River more than 50 fathoms from low water; from thence to the lot No. 41, in the grant to the late William Davidson, Esquire, no net to extend into the River more than 40 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 70 fathoms from low water; no net to be set from Beauherbert's Island, to extend into the River more than 30 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, on either Branch; 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 lot on the eastern shore, to the upper line of the lot occupied by James Carnahan, to extend into the River more than 40 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 30 fathoms from low water; also excepting the place known as Peter's Point, where the nets shall not extend into the River more than 30 fathoms from low water; and no net whatever shall be set from Barnaby's Island towards the north shore, nor from the lower extremity of Barnaby's Island towards the south shore, either from the said Island or Main Land; and from thence upwards, to the lower line of the Barnaby River Mill Lot, no net to be set on either side of the said River, from Carnahan's upper line aforesaid, to the mouth of the Indian Town Brook, to extend into the River more than 35 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; no net to be set off the lots on the north shore opposite Brown's Bar, or opposite the Bar at the Elm Tree, to extend into the River more than 15 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 Indian Town

Brook, to the head of the Miramichi River and its branches, to extend more than one third part across the said River or 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. 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 Lower Neguac Gully, and extending down three quarters of a mile to the eastward of Lower Neguac Gully, nor within three quarters of a mile from the shore within these points; no person shall be allowed to set any net or nets within 20 fathoms of another net, for the taking of herring in Neguac Bay; but nothing herein contained shall prevent the taking of mackerel or alewives in set nets, after the first of August in each year; no nets shall be placed within less than 50 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 their branches within the said Districts; provided always, that no person shall be deemed guilty of a violation of the preceding paragraph of this Rule for setting nets off his own lands, where such person holds the possession of a less front than 50 fathoms; nor shall any thing herein contained prevent any person from setting more than one set of nets off his own land; no net shall be set within four rods of the North West Bridge, on either side of the North West River; and no seine shall be drawn within 40 rods below, and 20 rods above said Bridge, on either side of said River: no net shall be set off the Bar beginning at Knight's Cove, and extending up stream; provided always, 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 within the said Districts not hereinbefore provided for, shall extend more than one third part across the said branch or River, any thing 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 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 of lot formerly owned by Robert England, deceased, in Napan Bay, where the net may extend into the River in front of the said lot 200 fathoms from low water, and the lot formerly owned by Richard Hoine, deceased, where the net may extend 200 fathoms from low water: The violation of any of the provisions of this Rule shall subject the party offending to a penalty of \$20 for each and every offence.

2. No salmon of any description shall be taken or killed in any manner whatever, in the Bay, Harbour or River Miramichi, below Beaubear's Island, from the 15th of August, or above Beau' ear's Island in both branches, or in the Bartibogue, Tabusintac, Bay du Vin, Napan, or Black River, from the 31st day of August to the 1st 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 \$2 for each fish so killed, taken, exposed or offered for sale, or purchased; and 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 \$8 for each and every offence, to be paid by the owner or owners of said nets, or the person or persons last using the same; and the owner or person 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 \$8 for every day the owner or person fishing as aforesaid shall allow the said pickets to remain in the water after that period: Provided that nets of not less than five inch mesh may be set for the catch



of bass, either on floats or pickets, from the 1st of September in each year, to the close of the navigation, in the following places, viz: on the south shore, from the westerly line of Napan Bay to the lower line of Fox Island; and on the north shore, from the upper end of Sheldrake Island to Neguac Gully, including the Islands within the space; but such nets shall in no case be set on the ground usually occupied for the salmon fishing: any person violating this regulation shall forfeit a penalty of \$20.

3. 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 within the said Districts, any brush or wooden weir or weirs, trap or traps, for the purpose of taking gaspereaux, shad, salmon, bass, or other fish, under a penalty of \$20 for each and every offence.

4. In all cases where any fish weir or weirs, trap or traps, shall be so erected contrary to the provisions of these Rules, it shall be the duty of the Wardens and Overseers of the Fisheries of the Parish or District in which such weir or weirs, trap or traps, shall be so erected, and all other persons are hereby fully authorized and empowered, immediately or at any time thereafter, to pull down, remove and destroy such weir or weirs, trap or traps.

5. 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 \$40 for each and every offence, save and except seining for bass, which shall commence on the opening of the navigation, and continue until the 1st July in each year, and no longer, and on the 1st of October, and continue until the close of the navigation in each year; but the meshes of such seines shall not be less than five inches, and such seining shall be confined to the North and South West River, and Napan, and shall not extend farther up the said North West River than Dunbar's Point; and in the South West such seining shall not extend farther up than Barnaby Island; and in Napan shall not extend farther 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 1st July in each year, and shall be confined to the Main Miramichi River, the North and South West Branches, the Bay du Vin and Black Rivers; such seining in the Main River shall terminate where the Branches commence; in the South West such seining shall not extend farther up than the lower line of the Parish of Blackville; and in the North West such seining shall not extend farther up than James Johnston's lower line; and in the Bay du Vin such seining shall not extend farther up than the Quarry; and in the Black River such seining shall not extend farther up than the lower line of Archibald Cameron, Junior's, lot; the length of seines shall in the North and South West not exceed 80 fathoms, and in the Bay du Vin and Black River shall not exceed 35 fathoms; and no gaspereaux shall be taken in the Bay, Harbour or River Miramichi, or its branches, or in any other River within the said Districts, after the 1st July in each year, under a penalty of \$20 for each and every offence; also save and excepting seining for herring; and any person or 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 \$12 for each and every offence; provided that no seining be allowed within the District comprised between Moody's Point and the easterly end of Bartibog Island, and up the Bartibog River, under a penalty of \$40 for each offence.

6. 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, viz:—

All nets intended for such fishing, shall not be less than four inches in the mesh, and shall have the name of the owner legibly marked, branded, or scribed, on the pole of his scoop net, and such marks shall be preserved on the same during the fishing season, under a penalty of \$4 per day:

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 the said Clerk shall thereupon forthwith notify the Warden of the District, or the person or persons appointed to protect the Fisheries, of the fact of such net having been registered, for the guidance of such Warden or persons as aforesaid; and any net of a less mesh than four inches, or set before registry, shall be deemed and taken to be illegally used, and the person or persons violating the same, shall forfeit and pay the sum of \$20; and 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, forfeited, and sold at public auction by the Warden or Overseer, or person or persons appointed to look after the Fisheries; and the proceeds arising therefrom paid into the hands of the Provincial Treasurer; and any person exposing or offering for sale, or selling any bass taken in violation of this Rule, shall respectively pay the penalty of \$1 for each bass so killed, taken, exposed, or offered for sale, purchased, or bartered; and all bass so seized shall be deemed and considered to be illegally caught, and the burthen of disproving the same shall be upon the party from whom the same were taken:

All persons opening holes through the ice for the purpose of taking bass, under this Rule, shall cause the same to be marked with four evergreen bushes, 6 feet in height; and every person not complying in this respect, shall forfeit and pay the sum of \$12.

7. No Inspector of fish shall under any pretence whatsoever inspect any black salmon, or salmon caught out of season, under a penalty of \$20 for each and every offence; and every Inspector 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; and failing so to do, shall be subject to a penalty of \$20, and be disqualified from holding the office of Inspector for the two next succeeding years.

#### DISTRICTS Nos. 9 & 10.

1. No net shall be used for the catch of salmon or any other fish in the Big Nepisiguit River, above John Swanton Bateman's Brook, or in any of the tributaries of the Big Nepisiguit River, or in the Tettagouche River, or in the Middle River, or in the Little River, under a penalty of twenty dollars against the owner or party using such net, and forfeiture of the net.

2. No net shall be set within the Harbour of Bathurst, or on any Middle Ground, Flat or Channel between the Forks of the Big River Channel and Allston and Carron Points, or within fifty fathoms on either side of the Big River Bridge, under a penalty of twenty dollars against the owner or party using the same, and forfeiture of the net.

3. No net shall be set or seine used within two hundred yards on either side of Little Tracadie River Bridge, or within two hundred yards on either side of the Bridge over the South River of Pokemouche, under a penalty of twenty dollars against the owner or proprietor of any net so set, or the person so using any seine, for each and every offence.

4. All nets shall be set from the shore or edge of the channel toward the thread of the River, and none shall be set upon any Middle Ground; and no net shall extend into any channel of the River in which it may be set, further than one third of the breadth of such channel, under a penalty of ten dollars.

5. Before any salmon net shall be set in the Big Nepisiguit River, the owner or person interested in such net shall cause a memorandum in writing, setting forth the name of the owner or person interested, the length of the net, and its particular intended location, to be filed in the office of the Clerk of the Peace, who shall thereupon grant a certificate of the facts; and any net set before such registration, shall be deemed to be illegally set, and liable to forfeiture.

6. All nets for the catch of gaspereaux in the Rivers of Pokemouche or Tracadie, and their several branches, shall be set with the stream up and down the River, and not at an angle with the stream; and if any net shall be set contrary to this Regulation, the owner or person using the same shall be liable to a penalty of four dollars, and he shall also be liable to pay the charges and expenses of removing the same, which it shall be the duty of the Overseer of the Fisheries, or Warden, forthwith to do; provided nevertheless, that from the first day of August until the first day of December in each year, nets for the catch of bass may be set at any angle with the stream or current of such Rivers, not however to extend into any channel more than one third the breadth of such channel.

7. In the River of Pokemouche no nets for the catch of gaspereaux shall be set from Etienne Arseneau's shore to the Rivers' shore, so as to impede the free course of fish going up the South River, and all nets set otherwise shall be deemed to be illegally set, and shall be liable to be seized and forfeited, and the owner or owners, or persons using the same, shall be liable to a penalty of four dollars for each day the same may be set.

8. Bass or gaspereaux shall not be taken in the River of Caraquet, or in Saint Simon's Inlet, by seining; and no seine shall be used for the catch of bass or gaspereaux in the said River or Inlet, under a penalty of twenty dollars for each and every offence.

9. No gaspereaux shall be caught or taken after the fifteenth day of July in each year, under a penalty of twenty dollars against the party violating this Regulation; and the pickets in the Rivers of Pokemouche and Tracadie, and their several tributaries, shall be drawn and removed by the twentieth day of July in each year, under a penalty of four dollars a day against the owner or party who had used the net for which such pickets were driven.

10. When any fish weir, trap, or other stationary device shall be erected contrary to any Rule or Regulation, it shall be the duty of the Overseer of the Fisheries or Warden, to pull down and demolish such weir, trap, or other stationary device; and the owner or party who had erected the same, shall be liable to a penalty of twenty dollars, and also to the expense of pulling down and demolishing the same; and when any other infringement or violation of any of these Rules and Regulations shall come to the knowledge of the Warden or Overseer of the Fisheries, it shall be his duty forthwith to prosecute the delinquent as the law directs; and it shall be also the duty of such Overseer of the Fisheries or Warden, to seize any net or nets found set, or being contrary to these Rules and Regulations, or any of them, and to set free any fish found therein, and remove such net to a place of safety, and advertise the same for the space of six days in three of the most public places in the Parish, and then sell such net by public auction.

11. No net for the catch of any kind of fish shall be set at Tracadie South Gully, commonly called Young's Gully, below Daniel Cobb's lower line, towards Peter Ferguson's at the opposite side; and no such net shall be set on the northern side of the same Gully, below Thistle Point and John M'Laughlin's shore, opposite his house on the other side, under a penalty against the owner of such net of eight dollars a day and forfeiture of the net.

12. No net whatever shall be set nor any seine or drift-net used in any way to impede or obstruct the free passage of fish into the Grand Lake, so called, at Shippegan Island, under a penalty of twenty dollars.

13. From henceforth between the first day of July and the first day of November in each and every year, no net for the catch of herrings or any other fish, shall be moored or anchored on any bank or shore, or any part of any bank or shore in the Bay Chaleur, situate between Mizzonette Point and Point Miscou: All nets used upon these banks, or any part of them, shall be fastened to boats or other craft, and not otherwise, under a penalty of twenty dollars for each and every offence, to be recovered, with costs of suit, from the owner or owners, setter or setters, or person or persons in charge of such nets, or in default of payment, of ten days imprisonment in the common goal of the County of Gloucester; and all nets found moored or anchored contrary to this Regulation, shall be seized and removed, with all their contents, by one of the Wardens of the Fisheries, or the officer lawfully superintending the same; and such Warden or Officer shall advertise the nets so siezed for the space of six clear days, in three or more public places in the Parish of Caraquet, in the County of Gloucester; and if the same are not claimed, and the penalty, costs and expenses paid before the expiration of that time, he shall sell the same by public auction, to the highest bidder: and the proceeds arising from such sale shall be paid into the Provincial Treasury to the credit of the Fishery Protection Account.

14. No oysters shall be taken in any River or Harbour in the County of Gloucester at any time between the first day of June and the first day of September in any year, under a penalty of twenty dollars for each and every offence.

*By His Excellency's Command.*

S. L. TILLEY.

Secretary's Office, 27th May, 1863.

LIST OF FISHERY WARDENS, AND SALARIES.

District No. 1.	Lorenzo Drake,	...	...	...	...	\$100 00
" 2.	J. Warren Fountain,	...	...	...	...	100 00
" 3.	Charles Burpee,	...	...	...	...	100 00
" 4.	John Giberson,	...	...	...	...	100 00
" 5.	William M'Rae,	...	...	...	...	200 00
" 6.	John Aherne,	...	...	...	...	150 00
" 7.	Christopher Parker,	...	...	...	...	200 00
" 8.	James D. M'Kay,	...	...	...	...	125 00
" 9. }	D. G. Maclauchlan,	...	...	...	...	150 00
" 10. }						
" 11.	Alexander Cook,	...	...	...	...	150 00
" 12.	Alexander Chamberlain,	...	...	...	...	200 00

RETURN to an Address of the Honorable House of Assembly for " A detailed Statement of all Stations let for fishing purposes, as well on the Rivers as on the Sea Coast around the Islands of the same respectively, discriminating from which source derived, and shewing the actual amount collected under an Act relating to the Fisheries passed by the Legislature at its last sitting," so far as the information can be furnished by the Crown Land Office :—

1st. The privilege of Fishing for one year with Fly or Bait on the Big River Nepisiguit, sold June 1863 in two lots, at \$30 each, net amount, ... .. \$57 00

2nd. A Lease for ten years of a Sand Beach at the entrance of the River Charlo in Restigouche, sold January 1864, at an annual rent of \$8.80, net amount, ... .. 8 36

Total amount received, ... .. \$65 36

Leases for five years of Portage Island in Miramichi Bay in two lots were offered for sale in May 1863, and both were purchased by George E. Letson, but the purchase was never completed.

JOHN M'MILLAN, *Sur. Gen.*

## FISHERY REGULATIONS.

*Statement of Fines imposed, and Taxes collected under the Fishery Act passed last Session, 1863.*

District No. 1.—LORENZO DRAKE, Warden.

No Return of Fines or Taxes made to the Secretary's Office.

District No. 2.—J. WARREN FOUNTAIN, Warden.

Amount collected, per receipt, ... .. \$38 00

District No. 3.—CHARLES BURPEE, Warden.

No Fines or Taxes.

District No. 4.—JOHN GIBERSON, Warden.

No Fines or Taxes.

District No. 5.—WILLIAM M·RAE, Warden.

No Fines.	Taxes outside,	...	...	...	...	...	40 20
	Taxes inside,	...	...	...	...	...	74 20

District No. 6.—JOHN AHERN, Warden.

No Fines or Taxes.	Proceeds of sale of Nets,	...	...	...	...	18 00
	Expenses paid by him for protection,	...	...	...	...	39 50

District No. 7.—CHRISTOPHER PARKER, Warden.

No Taxes or Fines paid.	Sale of Nets taken by him,	...	...	...	...	31 00
	Expenses paid by him,	...	...	...	...	33 70
	In Execution against three parties,	...	...	...	...	48 00

District No. 8.—JAMES D. M·KAY, Warden.

No Fines. No Taxes. No sale of Nets.

Districts Nos. 9 & 10.—D. G. MACLAUHLAN, Warden.

Taxes paid on 15 Nets,	...	...	...	...	...	14 65
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District No. 11.—ALEXANDER COOK, Warden.

No Fines or Taxes, or sale of Nets.

District No. 12.—ALEXANDER R. CHAMBERLAIN, Warden.

No Fines or Taxes, or sale of Nets.