

An Act to regulate the Herring Fishery in the Parishes of Grand Manan, West Isles, Campo-Bello, Pennfield, and Saint George, in the County of Charlotte, and to provide for the inspection of Smoked Herrings in the said Parishes.

Passed the 19th March 1827.

WHEREAS great injury has been done to the Herring Fishery within the County of Charlotte by the erection of Weirs, Fish-garths and other obstructions, and the placing and setting of Seines and Nets across the several Havens, Rivers, Creeks, and Harbours therein.

I. Be it therefore enacted, by the Lieutenant-Governor, Council, and Assembly, That no Seine or Seines, Net or Nets, shall be set across the mouth of any Haven, River, Creek, or Harbour, within the Parishes of Grand Manan, West Isles, Campo-Bello, Pennfield, and Saint George, in the County of Charlotte; and that no Seine or Net shall be set in any of the said Havens, Rivers, Creeks, or Harbours, which shall extend more than one third of the distance across the same, or be within forty fathoms of each other; or which shall be set within twenty fathoms of the shore at low water mark of the same; and any person or persons who shall set a Seine or Seines, Net or Nets, contrary to the provisions of this Act, shall forfeit and pay the sum of five pounds, upon due conviction thereof by the oath of one or more credible witness or witnesses or confession of the party before any one of His Majesty's Justices of the Peace for the said County, to be levied by warrant of distress and sale of the offender's Goods, rendering the overplus, if any, after deducting Costs and Charges to such offender; and ten pounds for the second offence to be recovered with Costs by Action of Debt, Bill, Plaint, or Information, in any Court of Record in this Province; and twenty-five pounds for the third and every subsequent offence, to be recovered with Costs in the manner last mentioned; one half of which penalties shall be paid to the Overseers of the Poor of the Town or Parish where such offence shall be committed, to be applied to the use of such Poor, and the other half to the Person who shall inform and sue for the same.

II. And be it further enacted, That all Weirs, or Fish-garths, now built or placed or which shall at any time hereafter be built or placed in any of the Havens, Rivers, Creeks, or Harbours before mentioned, shall have a space of forty feet wide left open in the center or where the water is deepest for the ingress and egress of the Fish, except at such time or times as the Owner or Occupier, or some other competent Person shall attend at the said Weir, or Fish-garth, when it shall and may be lawful to stop the said space with a Net for the purpose of taking such Fish as the Owner, Occupier, or other Person attending the same may be prepared to cure, use for bait, or take care of in any other way; and any Person erecting, owning or occupying any such Weir or Fish-garth, contrary to this Act, shall forfeit and pay the sum of ten pounds, to be recovered before any two of His Majesty's Justices of the Peace for the said County, and applied as specified in the first Section of this Act.

III. And be it further enacted, That the Justices of the Peace for the said County in their General Sessions, may and are hereby required, to appoint two or more fit persons in each of the before mentioned Parishes, to be Overseers of the Fisheries, who shall be sworn to the faithful discharge of their duty, and shall have power to remove any Net, Hedge, Weir, Fish-garth, Seine, or other obstructions which shall be found in any Haven, River, Creek, or Harbour in their respective Parishes, contrary to the Provisions of this Act.

IV. And be it further enacted, That if any Net, Hedge, Weir, Fish-garth, Seine or other obstructions, shall be found in any of the Havens, Rivers, Creeks or Harbours before mentioned, set, erected or placed contrary to the provisions of this Act, it shall and may be lawful for such Overseers of the Fisheries, and they, and each of them, are hereby required respectively, forthwith to seize the same; and if no owner shall appear to claim the same in five days, such Net, Seine or Fish-garth, shall, together with the Fish, if any found therein, be forfeited and publicly sold by the said Overseer; such Overseer having first advertised the time and place of such Sale in some Public place in the Town or Parish where the Seizure may have been made, at least five days, and the Proceeds thereof, after deducting the Costs and Charges of such Seizure and Sale, be applied to satisfy the respective penalties by this Act imposed, and the overplus, if any, paid to the Overseers of the Poor for use of the Poor of the Town or Parish where such offence shall be committed.

V. And be it further enacted, That the said Overseers of the Fisheries shall be intitled to demand and receive two shillings and six pence and no more for each Net to be set in the Districts for which they shall be respectively appointed, from the proprietor of such Nets as a compensation for their trouble.

VI. And be it further enacted, That if any such Overseer of the Fisheries shall at any time wilfully and knowingly delay, neglect or refuse to be sworn forthwith to the faithful discharge of his duty, or after being so sworn, shall neglect or refuse to perform the duty in and by this Act enjoined, such offender shall forfeit and pay for every offence the sum of five pounds, to be sued for, recovered and applied in the same manner as the penalty of five pounds herein before mentioned, can or may be sued for, recovered, and applied.

VII. And be it further enacted, That if any Overseer shall so neglect to perform the duty in and by this Act enjoined, it shall and may be lawful for any person or persons to apply to any Constable of the Parish, who is hereby authorised and required to take up and remove any such obstructions or incumbrances forthwith, and to proceed thereupon in the same manner, as such Overseer is directed by the Fourth Section of this Act; which Constable shall in such case be intitled to the moiety of the penalty by this Act imposed.

VIII. And be it further enacted, That from and after the first day of July next, all Smoked Herrings packed within said Parishes for exportation or home consumption, shall be well cured and smoked, and not less than six inches in length, and shall be put up in Boxes, the dimensions of which in the inside shall not be less than the following, namely, eighteen inches long, nine inches wide, and seven inches deep; and that all such Boxes of Smoked Herrings before being exported or offered or exposed for Sale, shall be inspected by an Inspector, two or more of whom shall be appointed for that purpose, for each and every of the said Parishes by the Justices at any General Sessions of the Peace for the said County; and that every such Inspector shall mark every Box of Smoked Herrings which he shall inspect, and find Merchantable, and of the proper dimensions, with a brand consisting of the Initial letters of such Inspector's name; and that no Box of Herrings shall be offered or exposed for sale, exported or shipped for exportation unless duly inspected, and marked in the manner directed by this Act, upon pain of forfeiture thereof; and if any Boxes of Herrings are offered or exposed for sale or shipped for exportation contrary to the provisions of this Act, it shall be the duty of the said

Inspectors or any of them to seize and secure the same; and after advertising the same, together with the time and place of such intended Sale, in some Public place in the Town or Parish where the seizure shall be made, for at least ten days, to sell the same by Public Auction to the highest Bidder, and the proceeds thereof, after deducting the necessary expenses of making such seizure and sale, shall be paid, one half to the said Inspector who shall seize the same, and the other half to the Overseers of the Poor of the said Parish for the use of the Poor thereof.

IX. And be it further enacted, That the said Inspectors shall be intitled to receive one penny for each and every Box of Smoked Herrings which shall be inspected and banded by him; and also at the rate of five shillings per day during the time they are employed in attending to the said Inspection, the same to be paid by the person or persons requiring such inspection.

X. And be it further enacted, That if any Smoked Herrings, shipped contrary to the provisions of this Act, shall be carried or removed from the County aforesaid, so that the same cannot be seized as before directed, that then the person or persons removing or carrying away such Smoked Herrings, shall forfeit and pay the sum of one shilling and six pence for every Box of Smoked Herrings so shipped and sold contrary to the provisions of this Act upon due conviction thereof, before any one of His Majesty's Justices of the Peace in and for the said County upon the oath of one or more credible witness or witnesses, or confession of the Party, to be levied by warrant of distress and sale of the offender's Goods and Chattles, and such penalty when recovered to be applied in the following manner, that is to say:—one half thereof to be paid to the person who shall inform and prosecute for the same, and the other half to be paid to the Overseers of the Poor in and for the Parish where such offence shall be committed, for the use of the Poor of such Parish.

XI. And be it further enacted, That if any Inspector to be appointed in pursuance of this Act, shall be guilty of any neglect or wilful default in the performance of his duty, he shall forfeit and pay the sum of five pounds, to be recovered levied and applied in the manner directed in and by the sixth Section of this Act.

XII. And be it further enacted, That this Act shall continue and be in force until the first day of April one thousand eight hundred and thirty two.

An Act for erecting the North-western part of the Town or Parish of Waterborough, in Queens County, into a separate Town or Parish. Passed the 19th March 1827.

WHEREAS the Town or Parish of Waterborough is so extensive as to render it inconvenient to perform the several Parochial duties in the manner as required by Law; and it is therefore expedient that the same be divided into two Towns or Parishes.

I. Be it therefore enacted by the Lieutenant-Governor, Council and Assembly, That all the Northwestern part of the said Town or Parish, to be separated from the other part thereof, by the division line between the lots number Sixteen and Seventeen on the Tongue of Intervale so called, and its prolongation, to the middle of the water, of that part of the Grand Lake, and a continuation of a line through the middle of the said Lake, until it meets the South-western Boundary-line, of a tract of Land, granted to David Sypher, near to the mouth of Coal Creek, at its junction with the said Lake, thence by a continuation of the same line, to the rear of the said tract, and thence by a line Northeast by the Magnet to the line of the Parish of Bruns-

wick, be and the same is hereby erected into a separate Town or Parish to be called and known by the name of Canning.

II. And be it further enacted, That the Justices of the Peace for the said County, shall at their first General Session in each and every year, appoint Parish officers for the said new Town or Parish of Canning in like manner as for the other Towns or Parishes in the said County; and that until the next January Session the officers lately appointed for the said Town or Parish of Waterborough, shall continue to perform the duties of their several offices in and throughout both of the said Parishes, as if this Act had not been made.

An Act to erect the North-eastern part of the County of Westmoreland into a distinct Town or Parish, and also to authorise the appointment of Parish Officers at the November General Sessions in each year.

Passed the 19th March 1827.

I. Be it enacted by the Lieutenant-Governor, Council and Assembly, That from and after the Fifteenth day of November next, all that tract of Land at present situate in the Parishes of Sackville and Dorchester, in the County of Westmoreland, and bounded and described as follows: that is to say, commencing at a point on the Sea Shore at the extremity of the boundary-line between the said County of Westmoreland and the County of Northumberland, thence Westerly following the said boundary-line until it meets a line drawn North twenty degrees West, from the Northwestern corner of a lot granted to Colton Connor, which lot is situate on the Portage leading from Shediac to Percudiac River, and running from the said County line, along the line last mentioned, to the said Northwestern corner of Colton Connor's lot, thence following the Western bound of the said lot, and the extension thereof, until it meets a line drawn due East from the mouth of Fox Creek, thence following the said line until it reaches the side line of the Parish of Botsford, thence following the side-line to the Sea Shore, and thence following the Sea Shore to the place of beginning, comprehending and including Shediac Island, be a distinct Town or Parish, distinguished by the name of the Town or Parish of Shediac.

II. And whereas the appointment of Town or Parish officers in the said County of Westmoreland has for several years past been made by the Justices at the General Sessions of the Peace, holden in and for the said County, on the third Tuesday in November, instead of the first General Session in the year, as directed by an Act made and passed in the twenty sixth year of the reign of His late Majesty, intituled "An Act for the appointment of Town or Parish officers in the several Counties in this Province," and whereas such alteration has been found convenient and advantageous; Be it therefore further enacted, That the Justices of the Peace of the said County, shall and they are hereby authorised and empowered, annually, at the said General Sessions of the Peace, holden on the third Tuesday in November, to appoint such Town or Parish officers as are directed in and by the said recited Act; and that so much of the said recited Act as directs the appointment to be made at the first General Sessions annually, so far as regards the said County of Westmoreland, shall, and the same is hereby declared to be repeated.

III. And be it further enacted, That all appointments which have been so made at the said November General Sessions, in any year, shall and they are hereby declared to be good, valid and effectual, and all Acts done by such Parish officers in the due ex-