

THE GLEANER:

AND NORTHUMBERLAND, KENT, GLOUCESTER AND RESTIGOUCHE
COMMERCIAL AND AGRICULTURAL JOURNAL.

Old Series] NEC ARANEARUM SANE TEXTUS IDEO MELIOR, QUIA EX SE FILA GIGNUNT, NEC NOSTER VILIOR QUIA EX ALIENIS LIBAMUS UT APES. [Comprised 13 Vol.

NEW SERIES VOL. XII.

MONDAY EVENING, MAY 9, 1853.

NO. 19.

THE FISHERIES.

REGULATIONS OF THE SESSIONS.

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 11th 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 Seines, Nets, and Fish Weirs, within the Rivers, and Harbours of this County, be, and the same are hereby annulled and repealed, and in lieu whereof that the following Rules and Regulations, be made, and established, in pursuance of the authority vested in the General Sessions, by Act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 Seines, Nets, and Fish Weirs, within the Rivers and Harbours of this County.

1. That hereafter the Fisheries in the Bay, Harbor, and River Miramichi, and its Branches, shall be regulated in the manner hereinafter mentioned, that is to say: no Net whatever 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 lot owned by Thomas Ian, 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 200 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, Esq., deceased, in Bay du Vin, presently in the occupation of Abraham Lacey; no Net to extend into the Bay more than 200 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 Deslessertier, 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 McDonald; no net to extend into the Bay more than 300 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 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 65 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 48 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 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 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 occupied by Murdoch; 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 60 fathoms from low water; no net to be set off Shellrake Island to extend into the river or Bay more than 60 fathoms from low water; no net to be set off Hay Island, opposite Neguar, to extend into the Bay more than 200 fathoms from low water; from thence to lot No. 21, formerly owned by the late James Fraser, Esq., deceased, inclusive; no net to extend into the Bay more than 300 fathoms from low water; and no net to be set in the same 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 200 fathoms from low water, a base line to run from low water on lot No. 75, to the first point above the House owned by the late John English, deceased, opposite to the lower end of Shellrake Island; no net to extend into the Bay more than 200 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 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 No. 65 and No. 68 to extend into the River more than 65 fathoms from low water; no nets to be set in front of lots No. 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 Gilmour Rankin & Co.'s wharf, Douglastown, 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 whence 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, excepting in front of lots formerly occupied by James Oxford, Duncan McIntyre, 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 Wm. Matchett's upper line, no net to extend into the river more than 30 fathoms from low water, and from thence to John Ryan's upper line; no net to extend into the river more than 25 fathoms; no net to be set on either side of the North West Branches, or any of its branches, from that 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 Johnson, on the south side, to extend into the river more than 25 fathoms from low water; 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 McGrath, no net to be set to extend into the river more than 30 fathoms from low water, and from thence on the southern side downward, to Beauherbert's Point inclusive; no net to extend into the river more than 49 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 20 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 45 fathoms from the said line; from the said point of lot No. 9 to Terrill's Point, no net to extend into river more than 65 fathoms from low water, excepting in front of lots No. 18 and 19, where the nets are to extend 95 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 Theo. DesBrisay, Esq., to extend into the River more than 52 fathoms from low water, excepting in front of lots No. 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 lot No. 41 in the grant to the late William Davidson, Esq., 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 possession of David Barrow, 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 that 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 said Island or Main Land, and from thence upwards to the lower line of the Barnaby Mill Lot; no net to 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 30 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 nets to be set off the lots of 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.

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 herein before 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 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 Home, deceased, where the net may extend 250 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 the penalty of

Three Pounds. PROVIDED always, that this shall not extend to effect Herring or Gaspreaux 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 £5 for each and every offence.

II. That the rate payers 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 shall have power to superintend the Fisheries, in their respective Towns, Districts, or Parishes, under these Rules, and shall remove any net, hedge, wear, 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 Rate Payers neglecting or refusing to appoint Overseers, the Session shall have power to do so.

III. That if any net, hedge wear, 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 Overseers of the Fisheries, as they and each of them are hereby required respectively forthwith, to seize the same; and if the owners 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 at 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 Overseers of the Fisheries shall be entitled to demand and receive Two Shillings and Six Pence, and no more for each set of nets 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 so 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 or persons 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 hand 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 Beauherbert's Island from the 15th of August, or above Beauherbert's Island in both branches, or the Baribogue, Tabusintae, 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 Ten Shillings, for each Fish so killed, taken, exposed, or offered for sale, or purchased, and if any 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 such nets, or the person or persons last using the same, and that 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 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 20th September in each year, and to continue to the close of the navigation.

VIII. That no person or persons, shall