

purposes; and no Fishing Station shall be allowed to occupy the whole of any locality where there is space for more than one such Station; and in the event of several parties applying for the same Station, the lease of such Station shall be sold at public auction, after thirty days notice, the upset price being determined by the Lieutenant Governor in Council; provided always, that nothing herein contained shall interfere with or be construed to affect the rights of parties in lands or privileges heretofore granted.

Leases to be sold at auction when there are several applicants for the same Station.

VII. And be it enacted, That no Herrings whatsoever shall be taken or caught in any manner on the spawning ground at the Southern Head of Grand Manan between the fifteenth day of July and fifteenth day of October in any year, such spawning ground commencing at the eastern part of Seal Cove, at a place commonly known as Red Point, and thence extending along the Coast westerly, and around the Southern Head of Bradford's Cove, a distance of about five miles, and extending to the distance of one mile from the shore; and all nets or engines used for catching Herrings on the said spawning ground, within the period above limited, shall be seized and forfeited; and every person engaged in using the same shall be deemed guilty of a misdemeanor, and shall be arrested, prosecuted, and punished, as in other cases of misdemeanor.

Taking of Herrings prohibited on the spawning ground at specified places.

VIII. And be it enacted, That all fines and penalties recoverable under and by virtue of any section of this Act, not exceeding fifteen pounds, shall and may be recovered before any two Justices of the Peace, with costs of prosecution, and beyond that sum, shall and may be recovered before any Court of competent jurisdiction, with costs of prosecution; such penalty, when recovered, to be paid into the County Treasury, and to be appropriated one half to and for the Warden or Wardens who may have instituted proceedings for the recovery thereof, and the other half to and for the use of the said County.

Recovery of fines and penalties.

IX. And be it enacted, That nothing herein contained shall be construed to prevent the Warden or Wardens from being competent witnesses for the recovery of any penalties under this Act, for or by reason of their being entitled to any portion of the penalty so to be recovered.

Act not to prevent a Warden from being a competent Witness.

X. And be it enacted, That the Wardens to be appointed under and by virtue of the sixth section of this Act, shall in addition to the proportion of any penalties recovered under and by virtue of the eighth section of this Act to which they may be entitled, shall be entitled to receive and demand of and from the Provincial Government, the sum of forty pounds for his services during the current year; provided always, that before any such sum shall be drawn from the public funds, it shall be certified to the Lieutenant Governor in Council that the County for which such Warden or Wardens has or have been appointed, has provided a similar sum for the payment of the said Warden or Wardens.

Wardens to receive £40 per annum from the Provincial Treasury if the County for which they are appointed pay the like amount.

XI. And be it enacted, That in every Dam now built or hereafter to be built or placed across the various Streams and Rivers in this Province, a proper and suitable Fishway shall be made and kept; provided that in those already erected, the proprietors thereof shall be allowed until the first day of October next to make the Fishway required in and by this Act.

Fishway to be made in dams across streams.

XII. And be it enacted, That no slabs or edgings, or other mill rubbish, sawdust excepted, shall be allowed or put, directly or indirectly, by any person or persons, in any of the Rivers or Streams of this Province.

No mill rubbish except saw dust to be thrown into streams.

XIII. And be it enacted, That whoever shall be convicted of any breach of the provisions of the eleventh and twelfth sections of this Act, shall be subject to the like pains and penalties as provided in and by the third section of this Act, and be recoverable as hereinbefore provided.

Penalties for breaches of sections 11 and 12 to be as in section 3.

XIV. And be it enacted, That any person or persons prosecuting or giving evidence on any prosecution for the recovery of any penalty or penalties under the provisions of this Act, 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.

Wilful and corrupt false swearing to be deemed perjury.

## CAP. XXXII.

An Act to establish the Road leading from the Baptist Meeting House in the Parish of Upham, in King's County, to the Church in Sussex Vale, as one of the Great Roads of Communication.

*Passed 30th April 1851.*

**B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Road leading from the Baptist Meeting House in the Parish of Upham, in King's County, to the Church in Sussex Vale, in the County aforesaid, via John Hagarty, Esquire, be and the same is hereby established as one of the Great Roads of Communication of the Province.

Road from Baptist Meeting House in Upham to the Church in Sussex Vale made a Great Road.