



ANNO VICESIMO-TERTIO

VICTORIÆ REGINÆ.

CAP. VIII.

*An Act for the Protection of the Salmon
Fishery of this Colony, and for other Pur-
poses.*

[Passed 14th May, 1860.]

Be it enacted by the Governor, Legislative Council and Assembly, in
General Session convened :

I.—No person shall, by spearing or sweeping with Nets or Seines, take, or attempt to take, any Salmon, Grills, Parr or Trout, in any Bay, River, Cove, 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 on such River, Stream, Cove, Lake or Water-course, and at such times and in such manner as hereinafter provided for that purpose.

Spearing or sweeping
of nets or seines for
Salmon prohibited.
As to where nets
for Salmon shall be
placed.

II.—No Stake, Seine, Weir, or other contrivance for taking Salmon, except Nets, shall be set or placed across any such River, Stream, Cove, Lake, or Water-course, and that each Net shall not extend more than one-third of the distance in a straight line across such River, Stream, Cove, Lake, or Water-course.

No obstruction to be
placed across any
River, &c.
How far each Salmon
net shall extend
across a River, &c.

III.—After the passing of this Act it shall not be lawful for any person to construct or erect any Mill-dam, Weir, Rack, Frame, Train, Gate, or any other barrier or erection, in, over, or across any River, Stream, Cove, Lake, or Water-course, so as to obstruct the free passage of Salmon, Grills, Parr, Trout, or other fish resorting thereto for the purpose of spawning : Provided always, that all Mill-dams or other erections placed on, over, or across any River, Stream, or Water-course resorted to by fish for spawning, shall be built with a waste-gate, opening, or slope, sufficient for such fish to pass and return down, and which shall be kept in repair during the whole season of such fish passing up and returning.

No Mill-dam, Weir,
&c., to be erected
across a River, &c.,
to obstruct Salmon,
&c.

Waste-gate, or pas-
sage for Salmon.

Salmon nets to be four and a-half inches mesh.

IV.—No person shall haul, catch, or take any Salmon in any Net having the meshes, mokes, or scales of not less than four and a half inches, at least, from knot to knot.

Forfeiture for selling Salmon in contravention of this Act.

V.—It shall not be lawful for any person to buy or sell Salmon knowing the same to have been taken in contravention of this Act; and any Salmon so taken or sold shall be declared forfeited to the complainant by any Justice of the Peace.

Distance one net should be set apart from another.

VI.—It shall not be lawful for any person to moor or set, or cause or procure to be moored or set, in any Harbor, Cove, Creek, or Estuary, or on any other part of the coast of this Island or its Dependencies, for the purpose of catching or taking Salmon, any Net nearer to any other Net set or moored for a similar purpose, than one hundred yards for a single Net, and three hundred yards for a double Net or fleet of Nets.

Close time within which Salmon shall not be taken. Proviso, authorising Governor to alter such time.

VII.—No person shall, before the first day of May, or after the tenth day of September, in every year, by any means whatsoever, fish for, take, or catch any Salmon on any part of the coast or shores of this Island, or in or near any Bay, River, Stream, Cove, Lake, or Water-course thereof: Provided always, that if the time limited in this Section shall be found to operate injuriously in any part of this Island, it shall be lawful for the Governor and Council at any time to appoint any other time or times, and which shall be as binding on all persons as if specially mentioned therein.

Penalty for offending against the provisions of this Act.

VIII.—Any person who shall violate any of the provisions of this Act in any respect shall forfeit a sum not exceeding Five Pounds, to be recovered in a summary way before any Justice of the Peace; and in default of payment thereof he shall be imprisoned in Gaol for any period not exceeding Twenty Days.

Appropriation of penalties and forfeitures.

IX.—The one half of all penalties recovered under this Act shall be paid to the party prosecuting the offender to conviction, and the other half thereof to Her Majesty for the use of this Colony.