

*Laws of Her Majesty's Province of Newfoundland, passed in the year 1858.*

21 Victoria – Chapter 14

**An Act for the Protection of the Herring Fishery on the Coast of this Island. (Passed 10th May, 1858.)**

Whereas the breed and fry of Herrings frequenting the Coast of this Island, are often found to be greatly injured and destroyed by the using of Seines and Nets of too small size or mesh, and by other unwarrantable practices:

Be it therefore Enacted by the Governor, Legislative Council and Assembly, in Legislative Session convened, as follows:—

- I. No person shall haul, catch, or take Herring in any Seine, on, near, or off any part of the Coast of this Colony, or in any of the Bays, Harbors, or any other places therein, at any time between the Twentieth Day of October, and the Twentieth Day of April, in any year.
- II. No person shall, at any time between the Twentieth Day of October, and the Twentieth Day of April, in any Year, haul, catch, or take any Herrings on, near, or off the Coast of this Colony, or in any of the Bays, Harbors, or any other places therein, in any Net having the meshes, mokes or scales of less than two and a quarter inch, at least, from knot to knot, or having any false or double bottom of any description ; nor shall any person put any Net, though of legal size of mesh, upon or behind any other Net not of such size of mesh, for the purpose of catching or taking the fry of such Herrings passing through any single Net of two inches and a quarter inch mesh or scale.
- III. Any person who shall violate any of the provisions of this Act shall forfeit a sum not exceeding Ten Pounds, and in addition all Seines, Nets, and other contrivances used or employed in, about, or preparatory to the catching, hauling, or taking of any Herrings in violation of any of the provisions hereof, shall be liable to forfeiture, and the same shall be seized at once by any Justice, Sub-Collector of Customs, Preventive Officer, or Constable, on view, or by virtue of the ; warrant issued by such Justice, Sub-Collector, or Preventive Officer, on oath to be administered by any of them, and detained until the trial of the offender, when they may be declared forfeited, and ordered to be sold at public auction.
- IV. All forfeitures and penalties imposed by this Act, shall be recovered with costs in a summary manner before any Justice of the district or place in or nearest to which any offence against this Act shall be committed. For which purpose, such Justice shall have full power to summon the offender, and all witnesses, either by summons or warrant, to appear before him on such trial; and upon conviction of such offender, such Justice shall issue his warrant to cause such Seines, Nets, or other contrivances so illegally used, to be sold at public auction: and shall also issue his warrant to any Constable of such district to levy such penalty and costs by distress and sale of the offender's goods and chattels, rendering the overplus of the proceeds thereof, if any, to the offender or owner thereof; and in default of payment of such penalty and costs, or of sufficient to distrain on, such Justice shall issue his warrant to any such Constable to arrest and imprison such convicted offender in the common gaol of such district, therein to remain for a period not exceeding fourteen days.

V. The one-half of all penalties and forfeitures, and of all proceeds thereof, when recovered, shall be paid to the party informing against and prosecuting such offender to conviction, and the other half thereof shall be paid by such Justice to the Receiver General for the use of the Colony.

VI. No conviction or other proceeding by any Justice or other Officer under this Act, shall be quashed or set aside for want of form, as long as the same shall be substantially in accordance with the true intent and meaning of this Act.