

*Laws of Her Majesty's Province of Newfoundland, passed in the year 1862.*

25 Victoria – Chapter 2

**An Act for the Protection of the Herring and Salmon fisheries on the Coast of this Island, and for other purposes. (Passed 27th March, 1862.)**

Whereas the Breed and Fry of Herrings frequenting the Coast of this Island and the Labrador 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; and whereas complaints have been preferred to the Local Government of alleged depredations committed by the Fishermen frequenting these Coasts upon each other: for remedy whereof,

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

- I. That no person shall haul, catch, or take Herrings in an Seine, on or near any part of the Coast of this Island, or of its Dependencies on the Coast of Labrador, or in any of the Bays, Harbors, or any other places therein, at any time between the Twentieth day of October and the Twelfth day of April in any year; and no person shall, on or near the Coast of this Island or of its Dependencies aforesaid on the Coast of Labrador, or in any of the Bays, Harbors, or other places therein, at any time, use a Seine, or other contrivance, for the catching and taking of Herrings, except by way of shooting, and forthwith tucking and hauling the same: Provided, that nothing herein contained shall prevent the taking of Herrings by Nets set in the usual and customary manner, and not used for in barring or enclosing Herrings in any Cove, Inlet, or other place.
- II. No person shall, at any time between the Twentieth day of December and the First day of April in any year, haul, catch or take any Herring, on or near the Coast of this Island or of its Dependencies aforesaid on the Labrador, 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 Inches and Three-eighths of an 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 Herring passing through any single Net of Two Inches and Three-eighths of an Inch Mesh, or Scale.
- III. No Person shall wilfully remove, destroy or injure, any lawful Net or Seine the property of another, set or floating on or near the Coasts of this Island or of its Dependencies aforesaid on the Labrador, or in any of the Bays, Harbors, or other places therein, nor remove, let loose, or take any Fish from or out of any such lawful Net or Seine.
- IV. No Person shall, at any time between the Twentieth day of April and the Twentieth day of October, haul, catch, or take any Herring or other Bait for exportation, within One Mile of any Settlement situate on that part of the Coast between Cape Chapeau Rouge and Point Rosey [Point Rosee].

V. Any Person who shall violate any of the provisions of this Act shall for every offence 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, taking, or in-barring of any Herrings, in violation of any of the provisions hereof, shall be liable to forfeiture, and the same may be seized at once, by any Justice, Sub-Collector of Customs, Preventive Officer, or Constable, on view or by virtue of a 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.

VI. And Whereas an Act was passed in the twenty-third year of the Reign of Her present Majesty entitled "An Act for the Protection of the Salmon Fishery, and for other purposes," whereby certain Nets and Seines were forbidden to be used, and certain Weirs and other erections and contrivances were prohibited from being erected at certain times and under certain circumstances, in the said Act declared:

Be it further enacted, That it shall be lawful for any Justice, Sub-Collector, Preventive Officer, or Constable aforesaid, on view, and for any Constable or other Person by virtue of a Warrant to be issued as aforesaid, to seize any Net or Seine, and to destroy any Weir or other erection or contrivance used or erected in contravention of the said recited Act, and all such Nets and Seines shall be forfeited and disposed of in manner provided by the Fifth Section of this Act.

VII. All Forfeitures and Penalties imposed by this or the said recited Act shall be recovered, with Costs, in a summary manner, before any Justice of the Peace, for which purpose such Justice shall have full power to summon or arrest the offender, and to compel 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, or, where permitted under the preceding Section of this Act, destroyed; and in default of payment of such penalty as may be imposed, and costs, by the party convicted, such Justice shall issue his Warrant to any Constable, or other Person, to arrest and imprison such convicted offender for a period not exceeding twenty days.

VIII. All Penalties and Forfeitures, under this or the said recited Act, and all proceeds thereof when recovered, shall be paid to the party informing against and prosecuting such offender to conviction.

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

X. Provided always, That nothing in this Act contained shall in any way affect or interfere with the rights and privileges granted by Treaty to the Subjects or Citizens of any State or Power in amity with Her Majesty.

XI. The Ninth Section of the said recited Act for the Protection of the Salmon Fishery is hereby repealed.