

The Provincial Statutes of Canada, passed in the year 1843. Kingston: Stewart Derbishire & George Desbarats, 1843.

7 Victoria – Chapter 13

An Act for the better preservation of certain species of Fish, in the Rivers and Waters of the Counties therein mentioned. 9th December, 1843.

Whereas a Petition from the Inhabitants of the County of Stanstead, praying that Legislative provision be made for preserving the fish called “Lunge” or “Maskinongé” in Lake Memphramagog, and other Lakes, and in the Rivers of the Eastern Townships of this Province, has been presented to the Legislature, and it is expedient to grant the prayer of the Petitioners, and to make Legislative provision for the purpose aforesaid, and also for the preservation of Salmon, and Salmon Trout, during the season when they run up the Rivers and Streams in the said Townships, and other places herein mentioned, to the places where they deposit their spawn; Be it therefore enacted by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that hereafter it shall not be lawful for any person or persons to take any fish called “Lunge” or “Maskinongé” or “Salmon Trout” in Lake Memphramagog, or in any other of the Lakes, Rivers or Streams in any of the Counties of Stanstead, Sherbrooke, Shefford, Missisquoi and Drummond, nor within the Counties of Essex and Kent, between the first day of the month of August and the first day of the month of December in every year, by means of spears or seines, or in any other way than by a single hook.

II. And whereas it is proper that the River St. Francis and its tributary Rivers and Streams should at all seasons remain open and unencumbered by fish pounds, so that Salmon may be left unmolested at and in ascending to their spawning places, and also that the Trout and other small fish when they run into the small streams and inlets for shade during the extreme heat of the summer, should not be taken with nets and baskets, or otherwise than by a single hook; Be it therefore enacted, that it shall not hereafter be lawful for any person or persons to build any fish pounds in the River St. Francis, or in any of its tributary Rivers or Streams, so as in anyway to obstruct the main channels by means thereof, within any of the said Countries, for the purpose of taking Salmon, or to take any Trout or other small fish, when, they run into the small streams, brooks or inlets, within any of the said Counties for shade during the Summer months, with nets or baskets, or in any other way than by a single hook.

III. And be it enacted, that any person offending against the provisions of this Act, shall, on conviction thereof before one or more of Her Majesty’s Justices of the Peace, incur a penalty not exceeding two pounds currency, to be fixed by such Justice or Justices in his or their discretion, according to the circumstances of the case, which penalty, if not paid within eight days by the party convicted, shall be levied by distress and sale of the goods and chattels of such party under

the warrant of such Justice or Justices of the Peace, to be issued after the expiration of the said eight days, and one moiety of such penalty shall belong to Her Majesty for the public uses of the Province, and the other moiety to the Prosecutor: Provided always, that if the party or parties so convicted shall fail to pay such penalty and costs, and no goods and chattels can be found belonging to the said party or parties whereof to levy the same, then, and in such case, the said party or parties shall be by the said Justice or Justices committed to the Common Gaol of the District, for a period not in any case exceeding eight days, unless the said penalty and costs be sooner paid.