

Inclosure in No. 5.

[Governor's Assent, March 27, 1862.]

[Passed the House of Assembly, March 21, 1862.]

[Passed the Legislative Council, March 22, 1862.]

(Signed) E. CARTER, *Acting Colonial Secretary.*

ANNO VICESIMO-QUINTO VICTORIÆ REGINÆ.

CAP. II.—*An Act for the Protection of the Herring and Salmon Fisheries on the Coast of this Island, and for other purposes.*

[Passed, March 27, 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,

Preamble.

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 any 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, harbours, 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, harbours, 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 inclosing herrings in any cove, inlet, or other place.

Herrings not to be taken in seines from 20th October until 12th April.

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, harbours, or any other places therein, in any net having the meshes, makes, 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.

Proviso as to the use of nets.

Nets of 2 3/8 inch scale to be used from the 20th December until the 1st April.

Regulation as to nets with double bottom, &c.

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, harbours, or other places therein, nor remove, let loose, or take any fish from or out of any such lawful net or seine.

No person shall interfere with the nets of others.

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.

Herring not to be taken from the 20th April until the 20th October between Cape Chapeau Rouge and Point Rosey.

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.

Penalty for violation of this Act.

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:

Prohibition for using salmon nets at certain times, and against erecting weirs, and penalty.