

deep-sea fisheries along the coast," after the words, "any fishing station," in the second line of the said section.

New provision substituted for section 23.

Fish-ways to be provided to dams, &c.

Penalty.

10. The following shall be the substituted for the twenty-third section of the said Act :—“ Every proprietor, tenant or occupant of any dam or other artificial obstruction to the free passage of fish in any river which fish may or have been known formerly to frequent, and are now unable to ascend, shall, for the purpose of affording a passage to the fish, attach and maintain (at the cost of such proprietor, tenant or occupant) to each dam or other artificial obstruction, a fish-way or pass, of such form or dimensions as will provide an easy and certain passage to salmon or other fish ; under a penalty of *four dollars* for each day during which such proprietor or proprietors shall fail to do so, after two months' notice by the Superintendent of Fisheries, or any other officer acting under instructions from the Commissioner of Crown Lands.”

To what rivers, and in what cases only the next preceding section shall apply.

11. The requirements of the next preceding section of this Act shall be held to be compulsory only as affecting rivers in Upper Canada upon which fish-ways may be required to be made by special direction of the Superintendent of Fisheries, under authority of the Commissioner of Crown Lands, and in Lower Canada, only on such rivers as have hitherto been known as frequented by salmon or shad ; and no proprietor of an upper dam or artificial obstruction to the passage of salmon shall be held to be in contravention of the preceding clause or section numbered ten of this Act, during the period that any dam or artificial obstruction to the passage of salmon lower down on the same river, has not been removed or a fish-way or pass erected thereon.

Fish-ways may be constructed and cost recovered by Superintendent of Fisheries, if the owner of the dam does not construct them on notice.

12. For the purpose of carrying out the two preceding sections, numbers ten and eleven of this Act, after two months' notice have been given, as therein stated, to any proprietor or proprietors of dams or other artificial obstructions, as also therein stated, and then if within one month thereafter, such fish-way or pass is not constructed, the Inspector of Fisheries, in the name of the Crown, may cause such fish-way to be erected under his orders and instructions, and the cost thereof shall be paid by the said proprietor or proprietors of such dam or obstruction, on the completion of the said fish-way ; and on the refusal to make such payment immediately, the Superintendent of Fisheries may sue for the cost and expenses incurred in so doing, in the nearest court of law having jurisdiction within the Province.

Certain fish not to be killed by spearing, &c., or by torch-light.

13. It shall not be lawful to fish for, catch or kill salmon, salmon trout, sea trout, or trout of any kind, lunge, winnoniche bass, or dorée, by means of spear, grapnel hooks, nigogue, nishagans, nor by aid of torchlight or any other artificial light ; and any of the said fish found or killed in contravention of this section shall be forfeited, and the transgressor or accessories subject to the penalties imposed by the twenty-fourth section of the said Act.

Salmon fry, parr, or smolt not to be killed.
Penalty.

14. It shall not be lawful to fish for, kill, or have in possession any salmon fry, parr or smolt ; and any party found in possession of any such fish, shall forfeit for each such fish, the sum of not less than *twenty cents*, or more than *one dollar*, with costs, together with all apparatus that may have been used to capture any of the said salmon fry, parr, or smolt.

Close time for white-fish.

15. It shall not be lawful to catch or take white-fish, by use of any kind of net or nets, between the first day of June and 15th day of September in any year, in Upper Canada, or between the first day of August and first day of December, in Lower Canada.