

Marking
of pounds.

(2) Each such pound or enclosure shall be marked with the name of the licensee and the number of his license. Such marking shall be in black on a white ground, and the letters and figures shall be at least six inches in height.

Fee.

(3) The annual fee for such license shall be seventy-five dollars."

Fishery
regulations
by Governor
in Council.

5. Section forty-six of the said Act is amended by adding to subsection one thereof the following paragraphs:—

"(h) to prescribe the size or sizes of containers in which oysters may be sold, and how such containers shall be marked;

(i) to provide for the grading and inspection of oysters;

(j) to prescribe how incorrectly marked containers of oysters shall be re-marked and dealt with."

6. Section forty-six of the said Act is further amended by repealing subsection two thereof and substituting the following subsection therefor:—

Publication.

"(2) Such regulations shall take effect from the date of the publication thereof in the *Canada Gazette* or from the date specified for such purpose in such regulations, and such regulations shall have the same force and effect as if enacted herein, notwithstanding that such regulations extend, vary or alter any of the provisions of this Act respecting the places or modes of fishing: Provided that any regulation made under the provisions of paragraph (g) shall take effect at the expiration of six months from the date of its publication in the *Canada Gazette*."

7. The said Act is further amended by inserting the following section immediately after section sixty-nine thereof:—

Penalty
for using
trawls.

"69A. (1) Every person shall be guilty of an offence, and shall incur therefor a penalty of not less than one hundred dollars and not more than two thousand dollars, recoverable with costs upon summary conviction, who at any time, except under license from the Minister,—

Departure
from
Canadian
port.

"(a) with intent to fish or to cause any other person to fish with a vessel that uses an 'otter' or other trawl of a similar nature for catching fish in the sea, leaves or departs from any port or place in Canada for the purpose of such fishing; or

Bringing in
fish caught
beyond
territorial
waters.

"(b) knowingly brings into Canada any fish taken or caught in the sea beyond the territorial waters of Canada with any vessel that uses an 'otter' or other trawl of a similar nature, or any vessel that uses an 'otter' or other trawl of a similar nature for catching fish in the sea beyond the territorial waters of Canada, if the leaving or departure from Canada of such vessel

constituted an offence under this section, and moreover the fish or vessel so brought in shall be confiscated to His Majesty for violation of this Act, in the manner provided by section eighty-two of this Act.

"(2) No such vessel shall carry on fishing operations from or to any Canadian port or ports, unless such vessel is registered as a British ship in Canada and is owned by a Canadian or by a body corporate incorporated under the laws of the Dominion of Canada or of one of the Provinces thereof, and having its principal place of business in Canada.

Vessels
to be
registered.

"(3) No such vessel shall carry on fishing operations from or to any Canadian port or ports, unless it restricts its fishing operations to waters that are at least twelve miles distant from the nearest shore on the Atlantic sea-coast of Canada. The proof that such fishing operations are so restricted shall at all times lie on the Captain of the vessel: Provided that this subsection shall not apply to small dragnets operated by inshore fishermen if exempted from the provisions of this subsection by special permit which the Minister is hereby authorized to issue for that purpose.

Fishing
restricted
to 12 mile
limit.

"(4) The Minister may determine the number of such vessels that shall be eligible to be licensed.

Exception.

"(5) Regulations may be made under the provisions of section forty-six of this Act,—

Licenses.

Regula-
tions.

(a) prescribing the form of license;

(b) specifying the evidence to be submitted with an application for a license;

(c) fixing the conditions under which a license shall be issued;

(d) making any other provisions respecting licenses.

"(6) The burden of proving absence of intent or knowledge, when intent or knowledge is necessary to constitute an offence under this section, shall lie upon the person accused, and intent or knowledge shall be presumed unless negatived by proof."

Burden of
proof.

8. Subsection one of section eighty-seven of the said Act is repealed and the following is substituted therefor:—

"87. (1) Every penalty or forfeiture imposed by this Act or by any regulation made hereunder, may be recovered or enforced on parole complaint, before any fishery officer who is authorized by the Governor in Council to exercise the powers of a justice of the peace, stipendiary magistrate or justice of the peace, in a summary manner."

Before whom
to be
sued for.