

Spearing or sweeping for forbidden.

6. No person shall by spearing or sweeping with net or seine take or attempt to take any salmon in any river, stream, lake or water course; and nets for the taking of salmon or any other fish shall be set and placed only on one side of such river, stream, lake or water course.

Nets, how set.

Not to be within one-eighth of a mile, &c.

7. No stake, seine, weir, net or other contrivance for taking fish, shall be set or placed, within one-eighth of a mile from where some other stake, seine, weir, net or other contrivance for taking fish is previously set or placed, or within one-eighth of a mile next below or above any mill or dam erected across or partially across any such river, stream, or water course; and no seine, net, or other contrivance for taking fish shall extend more than one-third of the distance in a straight line across such river, stream or water course.

Not to exceed more than one-third across river.

Penalty for violation of last three sections.

Forfeiture; trial of offenders; appeal.

8. Any person who shall violate any provision of the last three sections shall forfeit a sum not exceeding forty dollars; and all spears, implements, canoes, boats, nets, seines, weirs, and other contrivances used or employed in, about or preparatory, to the taking of salmon or any other fish contrary to the preceding sections, or to any order of sessions made or to be made thereunder, shall be liable for forfeiture, and may be seized by any person and detained until the trial of the offender, when they may be declared forfeited and become the property of the person prosecuting; if, however, upon appeal from the judgment of the justices, the owner or possessor of the articles so declared forfeited shall give sufficient security by bond with sureties to pay the prosecutor the value thereof and the amount of any penalty that may have been imposed with the costs then incurred and thereafter to be incurred in case the judgment appealed from shall be confirmed, then such owner or possessor shall be entitled to their immediate restoration.

Nets illegally set may be destroyed.

9. Any person finding a net, seine or weir set or placed contrary to the provisions of this chapter or of such order of sessions may destroy the same—provided nevertheless that no person shall be allowed in any action, indictment or other proceedings against him to justify the destruction of or injury to any net, seine or weir, under the authority of this section, unless such person shall within one week after he shall have done any such act post up in a conspicuous place in the neighborhood, and also file in the office of a neighboring justice of the peace, a notice signed by him, acknowledging the act and stating the time and place of doing the same, and also the address, addition and place of residence of the party subscribing the same.

Persons equipped by night for fishing to be considered in the act of fishing.

10. Every person discovered at night with a spear and torch or a torch only in or about any river, stream, lake or water course above the rise and fall of the tide, either in a boat or canoe or otherwise, and apparently equipped for taking or spearing salmon, shall be considered in the act of spearing salmon, and the burthen of disproving the same shall be on the party so discovered.

Owner of mill to keep open waste gate, &c.

11. The owner or the occupier of any mill to which any dam, lock or obstruction made or to be made on or across any river, resorted to by salmon or gaspereaux, is appurtenant, who shall not during such per-