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No. 227.

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2nd Session, 5th Parliament, 19 Victoria, 1855.

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**BILL:**

**An Act for the Protection of the Fisheries in  
Upper Canada.**

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Received and read, first time, Friday, 25th  
April, 1856.

Second reading, Monday, 27th April, 1856.

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MR. ANGUS MORRISON.

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TORONTO:

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## An Act for the protection of the Fisheries in Upper Canada.

**W**HEREAS it is expedient to prevent the destruction of Salmon Trout, Maskinongé, Speckled Trout and Bass in Upper Canada, which would result from a continuation of the practice of killing those fish at all seasons of the year, and to make further regulations in respect thereof so as to prevent the destruction of fish by certain means: Therefore Her Majesty, &c., enacts as follows:

- I. It shall not be lawful to take or kill any Salmon Trout, Maskinongé, Speckled Trout or Bass, or to buy, sell or possess any Salmon Trout, Maskinongé, Speckled Trout or Bass taken or killed in any river, lake or stream in Upper Canada, between the first day of December and the first day of May following in each year. At what season certain fish may not be killed.
- II. It shall not be lawful at any time to take or kill Salmon Trout, Maskinongé, Speckled Trout or Bass by means of stake nets, seines, nets, barrier nets, baskets, or spears, nor by the aid of artificial light or torch light, in any river, lake or stream in Upper Canada: Provided always, that from the first of May to the first of October in every year, any person or persons may take and kill Salmon Trout by means of nets, such nets not being barrier nets and having meshes of at least two inches in diameter, and that each such net or fisheries shall extend from one side only of any river or stream, and in no case shall two such nets or fisheries be placed opposite each other or at less than two hundred yards apart one from the other, measuring along either bank or beach, and not less than one-fourth of the main channel of every river or stream shall be left free of any net or fishery, so that the Salmon Trout may have a free course up and down such river or stream. Not to be taken in certain ways. Part of stream always to be left free.
- III. It shall not be lawful to build any fish ponds in any river or stream in Upper Canada, so as in any way to obstruct the main channel by means thereof. Fish Ponds in rivers prohibited.
- IV. It shall not be lawful to take Salmon Trout, Maskinongé, Speckled Trout or Bass, in any river, lake or stream in Upper Canada, during the winter season, by means of holes cut through the ice nor in any way whatsoever, from the first day of November to the first of May in each and every year. Certain Fish not to be caught through holes in the ice.
- V. All Salmon Trout, Maskinongé, Speckled Trout or Bass killed between the periods mentioned in this Act in which it is unlawful to kill the same, shall be forfeited to the Crown, and the person in whose possession any such Salmon Trout, Maskinongé, Speckled Trout or Bass shall be found, shall incur a penalty of *two pounds ten shillings* for each such Salmon Trout or Maskinongé, and *one pound five shillings* for each such Speckled Trout or Bass. Penalties for having fish unlawfully killed.

Act not to  
affect Indians. VI. Nothing in this Act shall extend or be construed to extend to any  
Indians now or hereafter to be resident within the limits of Upper Canada.

Penalties, and  
how recover-  
ed and ap-  
plied. VII. For each offence against any of the provisions of this Act for  
which no other penalty is hereby imposed, the offender shall incur a penalty  
of not less than *two pounds ten shillings* nor more than *five pounds*, in the 5  
discretion of the Justice or Justices before whom he shall be convicted;  
and any penalty imposed by this Act shall be recoverable with costs,  
one half of such penalty shall go to the informer, and the other half to  
the municipality in which the offence shall have been committed, unless  
the informer shall renounce his share of the penalty, in which case the 10  
whole shall go to the municipality: If the penalty and costs to which  
any offender convicted under this Act be not forthwith paid, the con-  
victing Justice may commit him to the Common Gaol of the County or  
United Counties for a period not exceeding one month, unless such penalty  
and costs be sooner paid. 15

Public Act. VIII. This Act shall be a public Act.