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An Act to amend the Fisheries Act and  
to prohibit the wanton destruction of  
Small Fish.

BILL.

[No. 26 of 1865.—1st Session.]

Mr. IRVINE.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.,  
SALLY STREET.

An Act to amend the Fisheries Act, and to prohibit the wanton destruction of Small Fish.

**WHEREAS** the erection of self-acting fixtures in the courses of fish periodically ascending the River St. Lawrence to reproduce their species is injurious to the herring, shad, salmon, bass and other inshore fisheries, by excluding such fish from suitable places to deposit their ova; and the placing of such fixtures in tidal waters is obstructive to free navigation, and a public nuisance; Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. Sections eight, nine, ten, eleven, twelve, twenty-seven, twenty-eight, and twenty-nine of the "Fisheries Act" are hereby repealed.

Sections 8, 9, 10, 11, 12, 27, 28 and 29 of Fisheries Act repealed.

2. No fixed engine of any description shall be placed, kept or used for any fishing purpose or whereby any fish might be taken or captured in any tidal or inland water in this Province, and any engine so placed, kept or used in contravention of this Section, shall subject the owner or person placing, keeping or using it for each day of so placing, keeping or using the same, to a penalty of ten dollars; provided always that weirs with traps, used exclusively for the capture of eels, and by which eels only can be taken, shall be excepted.

No fixed engine to be used for taking fish. Penalty.

3. No one shall at any time fish for, catch, kill, buy, sell, expose for sale, or have in possession, any young salmon under a penalty of ten dollars for each and every offence; and for the purposes of this Section, salmon, fry, parr, smolt, grilse, under the actual weight of three pounds avoirdupois, shall be deemed young salmon.

No person to kill or sell young salmon.

4. No one shall take, catch or have in possession the young of fish or any small fish for use as manure, under a penalty of ten dollars for each and every offence.

Penalty for using fish as manure.

5. No one shall fish for, catch or kill any kind of trout or lunge in any way whatever between the first day of September and the thirty-first day of December, in each year; and no one shall at any time fish for, catch or kill trout by means of nets, bultows or fixed lines in any inland lake, river or stream, except in the River St. Lawrence, under a penalty of ten dollars for each and every offence; provided always that as regards the waters in Upper Canada, such prohibition shall extend only to speckled trout.

Fine for killing trout or lunge fixed.

Proviso.

6. All fines and penalties imposed by this Act shall be recovered in the manner prescribed by the above cited Act, with which this Act shall be read and construed, and of which it shall form part, and in default of immediate payment of the fine or penalty adjudged with all fees and costs, the fortieth section of the said above cited Act shall apply.

Fines and penalties, how recovered.