

I.

BILL.

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

Received and read, first time, Tuesday, 10th March,
1857.

Second reading, Monday, 16th March, 1857.

(250 Copies.)

HON. MR. J. MORRIS.



BILL.

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

WHEREAS it is expedient to prevent the destruction of Salmon, 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, Maskinongé, Speckled Trout or Bass, or to buy, sell or possess any Salmon, Maskinongé, Speckled Trout or Bass taken or killed, in any river, lake or stream in Upper Canada, between the first day of November and the first day of May following in each year.

II. It shall not be lawful at any time to take or kill Salmon, 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 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 fishery 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 may have a free course up and down such river or stream.

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.

IV. It shall not be lawful to take Salmon, 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 day of May in each and every year.

V. All Salmon, 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, Maskinongé, Speckled Trout or Bass shall be found, shall incur a penalty of *two pounds ten shillings* for each Salmon or Maskinongé, and *one pound five shillings* for each Speckled Trout or Bass.

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. 5

Penalties, and
how recovered
and applied.

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 discretion of the Justice or Justices before whom he shall be convicted; and any penalty imposed by this Act shall be recoverable¹⁰ 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 whole shall go to the municipality: if the penalty and costs to which any offender convicted under this Act be not forthwith¹⁵ paid, the convicting 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.

Public Act.

VIII. This Act shall be a public Act.