

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and having
 this day passed as now printed is transmitted to the HOUSE OF
 REPRESENTATIVES for its concurrence.

Legislative Council,
 11th June, 1880.

Hon. Mr. Whitaker.

Fisheries.

ANALYSIS.

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A BILL INTITLED

AN ACT to consolidate and amend the Laws relating to Fisheries. Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act is "The Fisheries Act, 1880."
2. Nothing contained in this Act shall apply to—
 - (1.) Any person using a landing-net to secure fish caught with a rod and line, nor to any person using a hand shrimp net; nor to
 - (2.) Any person taking fish in water of which he is the owner; nor to
 - (3.) Any person authorized by such owner to take fish in such water; nor to
 - (4.) Any person, with the written permission of the Commissioner of Crown Lands of a district or other person duly authorized by the Governor to grant such permission,

Short Title.
 Persons, &c.,
 exempted from Act.

taking fish or oysters for the *bonâ fide* purpose of ascertaining and verifying the existence or increase of such fish or oysters, or of removing them to stock other waters; nor to

(5.) Any nets, tackle, or boats used, or fish or oysters taken, by such person; nor to 5

(6.) Any person who, having unintentionally taken any fish or oysters contrary to the provisions of this Act, shall immediately return the same, with as little injury as possible, to the water. 10

Interpretation.

3. In this Act, if not inconsistent with the context,—

“Minister” means the Minister of Lands:

“Chief Inspector” means the Commissioner of Crown Lands of a land district:

“Inspector” includes the Chief Inspector of a district, and every Local Inspector therein: 15

“District” means a land district within the separate jurisdiction of a Commissioner of Crown Lands:

“Fishery” means any salt or fresh waters in the colony, or on the coasts or bays thereof, includes artificial waters, extends to the ground under such waters, and to so much land out of water as is frequented by seals, but does not include waters the property of any private person: 20

“Fish” means and includes all fish inhabiting the waters of the colony, whether indigenous or not, their young, or fry, and spawn: 25

“Oysters” means and includes shore oysters, rock oysters, and mud oysters:

“Oyster brood” includes spat, cultch, or any small oysters less in circumference than five inches: 30

“Seals” includes their young:

“Produce of a fishery” includes fish, oysters, and seals.

“Close season” means the time during which it is declared unlawful to take the produce of any fishery:

“Boat” includes any barge or vessel of any tonnage, construction, or description: 35

“Take” means and includes “catch,” or “dredge for,” or “raise,” or “hunt:”

“Use” includes “attempt to use” or “assist in the use of.”

4. The Governor in Council may from time to time, as may become necessary, make, vary, and rescind such rules, orders, and regulations as shall seem expedient for— 40

(1.) Providing for the more effectual government, management, protection, and improvement of any fisheries, and the registration of all boats and brands, the licensing of all persons engaged therein, and the fees to be paid for such licenses; 45

(2.) Prescribing any conditions and restrictions for the regulation of the said fisheries, and the carrying and sale of the produce thereof; 50

(3.) Preserving good order among the persons engaged in such fisheries;

(4.) Regulating the appointment and removal of local Inspectors of Fisheries, and prescribing the relative powers and duties of Chief Inspectors and Local Inspectors. 55

(5.) Prescribing for every fishery a “close season” or “close seasons” in every year, as may be most suitable in the various parts of the colony, for any species of fish, oysters, and seals respectively, during which it shall be unlawful for any person to take any fish, oysters, or seals of such 60

Governor may make regulations as occasion requires for protection of fish and fisheries.

species respectively from such fishery, or in any way to injure or disturb the same;

- 5 (6.) Prescribing the minimum size or weight of any fish, oyster, or seal that may be taken and carried away from any fishery;
- (7.) Limiting the size, when wet, of the mesh on the square, or in extension from knot to knot, of nets and seines to be used in any fishery, or altogether prohibiting the use of nets of any sort;
- 10 (8.) Fixing the time or times during which dredging over the ground of any fishery shall be prohibited, or prohibiting the use of any particular engines, tackle, or apparatus for taking the produce of any fishery;
- 15 (9.) Reserving from public use any natural oyster-beds, so as to prevent their destruction, and for granting leases of portions thereof to individuals for proper cultivation;
- (10.) Closing altogether, for such periods as he shall think fit, any fishery when its future productiveness is endangered;
- 20 (11.) Setting apart any river or other fresh or salt waters for the natural or artificial propagation of fish, oysters, or seals, and the protection of young fish, or fry, or spawn at all times and especially upon its importation into the colony.
- 25 (12.) Defining the limits of, and what waters shall be deemed to be, and what shall be deemed the mouth or other boundary of, any river, creek, stream, bay, estuary or lake, and fixing a distance from the mouth of any or every river, creek, or stream within which nets and fixed engines or apparatus for taking fish are not to be used.
- 30 (13.) Excluding any part of the colony from the operation of this Act, or of any regulation or regulations made thereunder.

The Governor may, by such rules, orders, or regulations, impose any penalty not exceeding *twenty* pounds, and also appoint the *minimum* penalty for the breach of any such rules, orders, or regulations; and all such rules and regulations shall be published in the *Gazette*, and thereupon shall be binding and conclusive upon all persons as if the same had been contained in this Act.

5 5. The Governor, by Order in Council published in the *Gazette* from time to time, may declare that in any part or parts of the colony any species of fish, oyster, or seal shall be protected and come under the operation of such of the provisions of this Act as may be specified in such Order in Council, and may from time to time revoke, alter, and amend any such order.

Governor in Council may extend list of fish protected.

45 6. The Commissioner of Crown Lands of each land district shall, by virtue of his office, be Chief Inspector of all Fisheries within his district, and it shall be his duty to see that the provisions of this Act shall be duly carried into effect within his district, and for that purpose shall have and may exercise within his district all the powers granted by this Act in that behalf.

Commissioner of Crown Lands *ex officio* Inspector of Fisheries.

50 Any part of the colony not comprised within the limits of a land district may, for the purposes of this Act, be annexed by the Governor to any such district, and shall thereafter be deemed to form part thereof.

55 7. The Governor may from time to time appoint during pleasure Local Inspectors of Fisheries, and assign them to particular districts or parts thereof, or to parts of several districts, and also may appoint all such officers, servants, and other persons as may appear to him to be necessary for the management and protection of any species of fish, oysters, and seals in any fishery within the colony, and for the prevention and detection of offences against such regulations as aforesaid, and enforcing such regulations in respect of such river or stream.

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Governor may appoint necessary officers.

Powers of officers.

8. Every such officer is hereby empowered, for the enforcement of the provisions of this Act and of such regulations as aforesaid, to exercise the powers and authorities of a constable, and shall be at liberty, at all times and seasons, without any let or hindrance whatsoever, to enter into and pass through or along the banks or borders of the river or stream in respect of which he is appointed, and with boats or otherwise to enter upon such river or stream, and to enter upon and examine all tributaries, sluices, millpools, milldams, millraces, and watercourses communicating therewith, and to pass along the same, and to enter any boat or boats engaged in fishing, and to examine all standing, floating, or other nets whatsoever, and to seize all illegal nets, engines, instruments, and devices whatsoever, and all and every other nets, engines, and instruments whatsoever when used illegally, and to do all such other acts and things as he is required to do by such regulations as aforesaid, and the production of the warrant of his appointment, or a copy of the Gazette notifying such appointment, shall be sufficient warrant for such officer so acting in any of the cases aforesaid.

Nothing herein contained shall be construed to authorize any such officer to enter any garden enclosed within any wall or paling, nor any dwelling-house or the curtilage thereof, except when the ordinary passage to any such river, stream, or tributary, or to any sluice, millpool, milldam, millrace, or watercourse is through any such garden or curtilage as aforesaid, save when thereunto authorized by the warrant of a Justice of the Peace as hereinafter provided.

Penalty for obstructing officers.

9. If any person assaults, resists, or obstructs any officer in the execution of any of the powers conferred on him by this Act or by any such regulation as aforesaid, every person so offending shall for every such offence incur a penalty not exceeding *ten* pounds.

OYSTERS.

Discoverer of oyster-bed may apply for exclusive license.

10. Whenever any person shall, before or after the passing of this Act, have discovered on or near the coast of New Zealand a natural oyster-bed, he may apply to the Chief Inspector for the district on or near the coast whereof such natural oyster-bed shall be for the issue to him of an exclusive license for the use of such oyster-bed or any part thereof, as hereinafter provided.

Notice of application to be advertised.

11. The applicant for such exclusive license shall publish, in some newspaper published near the place where such oyster-bed is situate, a notice of such application, and shall in such notice describe the oyster-bed with reasonable certainty, and such notice shall be repeated once every week for three months.

Notice of intention to oppose to be given.

12. Any person wishing to oppose the issue of an exclusive license to the applicant shall give notice in writing of his intention so to do to the Chief Inspector aforesaid within three months of the first publication of the notice aforesaid.

Inquiry to be held in case of opposition.

13. Upon receiving notice of the intention to oppose the grant of an exclusive license, the Chief Inspector, or some person appointed by him by writing under his hand, shall hold an inquiry touching the expediency of issuing an exclusive license. The person holding such inquiry shall have power to administer an oath.

Inquiry in case of no opposition.

14. If no notice of intention to oppose the issue of an exclusive license is received before the expiration of three months from the day of publishing the first advertisement of notice of such application as aforesaid, the Chief Inspector, or some person appointed by him by writing under his hand, shall inquire concerning the due publication of such notice as aforesaid, and touching the expediency of issuing an exclusive license.

15. The person holding any such inquiry as aforesaid shall report to the Governor whether, in his opinion, an exclusive license ought to be granted to the applicant, and for what term, if any, and shall state the facts on which he grounds his opinion. Report to be made to Governor.
- 5 16. On the receipt of such report it shall be lawful for the Governor to issue to the applicant, his executors, administrators, or assigns, an exclusive license to use the said oyster-bed, or any part thereof, for such period not exceeding five years from the date of such license as the Governor, having regard to the said report, shall think fit. After report Governor may issue license.
- 10 17. In and by such license there shall be reserved a yearly sum, payable on a day or days in such license mentioned to the Receiver of Land Revenue of such district as aforesaid. Rent to be paid by license.
- 15 18. The licensee, his executors, administrators, and assigns paying such yearly sum as aforesaid shall, during the whole of the term in the said license mentioned, have the sole and exclusive right by himself or themselves, or his or their servants, agents, or licensees, to dredge for and take oysters from the said bed. Licensee to have exclusive right to take oysters.
- 20 19. Where no natural oyster-beds at present exist, it shall be lawful for any person to form or plant any artificial oyster bed on the shore adjacent to any Crown lands bordering on the sea or any estuary, and also for the occupier of any lands bordering on the sea or any estuary, or for any other person, with the consent of such occupier, to form or plant any artificial oyster-bed on the shore adjacent to such last-mentioned lands. Permission to form and occupy artificial oyster-beds.
- 25 20. In every such case as aforesaid, every such person shall first obtain from the Governor, through the Chief Inspector of the district within which such shore is, a permissive license for the purpose, wherein shall be set forth the boundaries and limits within which such oyster-beds may be formed. License to be obtained.
- 30 21. The person forming or planting any such artificial oyster-bed, his executors, administrators, and assigns (paying to the Receiver of Land Revenue of the district within which such bed is such yearly sum for the same as the said Chief Inspector shall, in, and by the said license require) shall hold the same for such period not exceeding
35 ninety-nine years as the said Chief Inspector may think fit as tenant thereof; but the forming and planting of such artificial oyster-beds as aforesaid shall not give any exclusive right or title to the occupation of the said shore or sea-ground except for the purpose aforesaid, or prevent the full and free exercise and enjoyment of any right whatsoever in or along the said shore or sea-ground, subject to the provisions
40 of this Act. Rights of the occupier.
- 45 22. Where any natural oyster-beds are in danger of being depopulated of the oysters thereon, the Governor may declare any such oyster beds to be a special oyster fishery, whereupon it shall be unlawful for any person to take oysters therein, save under the provisions of this section. Governor may grant leases of natural oyster-beds.
- 50 The Governor may grant to any person or persons a lease of such special oyster fishery or any portion thereof for such time, upon such conditions, and upon payment of such fees as may be prescribed in the lease, and subject to general regulations, but may, notwithstanding such lease, from time to time, by notice in writing to the lessee or lessees, or any of them, exclude oysters from being taken in any particular part of such fishery.
- 55 In any such lease it shall be lawful for the Governor to comprise such part of the foreshore adjacent to the oyster beds as he shall think sufficient for the purpose of protecting the special fishery, and for the use of the lessees thereof.
- 60 23. The boundaries of every artificial oyster-bed, and of every natural oyster-bed whereof any person or persons shall have the exclusive license of use, shall respectively be distinguished by posts or Boundaries of oyster-beds to be indicated by marks.

marks, to be approved by an Inspector, set up by the occupier thereof, on that part of the shore, not being private property, from which the boundaries of such oyster-bed may be sufficiently indicated.

Where any such oyster-bed cannot be conveniently marked by posts or otherwise on the shore, the same may be indicated by buoys or other floating marks approved as aforesaid. 5

Licenses may be forfeited for abuse thereof.

24. If at any time during the currency of any exclusive license the Chief Inspector shall certify under his hand to the Governor that the holder of such license, or any person by his direction or permission, is managing or using the oyster-bed in such manner that the same is likely to be exhausted or greatly reduced in value, the Governor may, by Order in Council, cancel and revoke such license. 10

On the gazetting of such Order in Council the license affected thereby, and all rights and privileges acquired under such license, shall absolutely cease and determine. 15

OFFENCES.

Penalty for interfering with beds.

25. If any person shall wilfully interfere with or remove oysters from any artificial oyster-bed, or from any natural oyster-bed during the currency of any exclusive license for the use thereof, without the consent of the occupier of such bed, every such person shall forfeit and pay a penalty of not less than *twenty* shillings, nor more than *fifty* pounds, and shall also, in addition to such penalty, forfeit and pay to the party aggrieved such sum of money not exceeding *fifty* pounds as shall appear to the Justices before whom such person shall be convicted to be a reasonable compensation for the damage and injury done. 20 25

Penalty for taking oysters without license.

26. If any person shall, by any means whatsoever, take any oysters from any natural oyster-bed lying below the level of the lowest water of spring tides, or shall dredge for oysters, or use any oyster-dredge or any net, instrument, or engine whatsoever in or upon any such natural oyster-bed for the purpose of taking or catching oysters, although no oysters shall be actually taken, or shall with any net, instrument, or engine drag upon the ground or soil of any such natural oyster-bed without having a license under this Act, every such person shall forfeit and pay a penalty not exceeding *five* pounds. 30 35

Oyster-brood and small oysters to be returned to place from whence taken.

27. If any person, whilst lawfully taking, catching, or dredging for oysters on or from any natural oyster-bed, shall happen to take, any oyster-brood, spat, cultch, or small oyster the shell of which shall be less in circumference than a crown piece, and shall not, within six hours thereafter, return in a living state such brood, spat, cultch, or small oyster as aforesaid to such natural oyster-bed, every such person shall forfeit and pay a penalty not exceeding *ten* pounds. 40

Except in certain cases.

28. The provision lastly hereinbefore contained shall not apply to any person taking such oyster-brood, spat, cultch, or small oysters as aforesaid for the purpose only of supplying or replenishing any such artificial oyster-bed as hereinbefore mentioned. 45

Emptying nets.

29. It shall be unlawful to drag or to draw on to the dry land any net containing fish, but all such nets shall be emptied in the water; and any person offending against, or assisting, any person offending against, this section, shall for every such offence be liable to a penalty not exceeding *twenty* pounds. 50

Penalty for fishing in close season.

30. If any person take, during any close season for any species of fish or oysters, any fish or oysters of such species, he shall for every such offence be liable to a penalty of not more than *twenty* pounds. 55

31. If any person take any seals during any close season for seals, he shall for every such offence be liable to a penalty not exceeding *fifty* pounds, and in addition thereto shall be liable to a further penalty not exceeding *ten* pounds in respect of each seal so taken.

Penalty for taking seals in close season.

5 32. All fish, oysters, or seals unlawfully taken during any close season, and the baskets or other receptacles thereof, shall be forfeited; and also,—

Fish, &c., and fishing gear to be forfeited.

Over and above any other penalty, all gear, tackle, or other apparatus in any boat used for such unlawful fishery; and all other gear, tackle, apparatus, or other implements otherwise used therein, shall be forfeited to Her Majesty.

10 33. All fish, oysters, and all baskets or other receptacle therefor, and nets, gear, tackle, or other apparatus forfeited under the provisions of this Act, may be seized by any Inspector or constable, and disposed of in accordance with any general or special directions of the Chief Inspector of the district.

Disposal of forfeited fish and gear, &c.

15 34. If any person buys, sells, or exposes for sale, or has in possession, any fish, oysters, or seals taken in contravention of this Act or of general regulations, he shall be liable for each offence to a penalty not exceeding *twenty* pounds; and fish, oysters, and seals so taken, and the baskets or receptacles thereof, shall be forfeited.

Penalty for selling fish contrary to regulations.

20 And any person found in possession of any fish, oysters, or seals so taken, or of any part or portion thereof, shall be deemed to have obtained the same in violation of this Act, except only upon legal proof to the contrary, which proof shall devolve wholly upon the person accused.

25 35. If any person knowingly takes or assists in taking in any fishery of the colony, any fish not indigenous to New Zealand, or any fish of the same species as such non-indigenous fish introduced into such waters within *three* years after the introduction thereof, or within such further time as may, from time to time, be appointed under any regulations, or if any person shall inadvertently capture any such fish and shall not forthwith return the same, with as little injury as possible, to the water in which they were captured, he shall be liable for every such offence to a penalty of not less than *twenty* pounds.

Introduced fish not to be taken.

30 The Governor may, by writing under his hand, authorize any person, to be named in such writing, to fish for and take any fish not indigenous in New Zealand, or the ova of any such fish, for the purpose of ascertaining and verifying the existence or increase of any such fish, or for the purpose of propagating such fish in waters other than those from which the same are taken.

Governor may authorize fish to be taken for purposes of propagation.

35 36. If any person puts, or attempts to put, or assists in putting into any fishery of the colony any poisonous, deleterious, or noxious material with intent to destroy any fish therein, or knowingly permits such poisonous, deleterious, or noxious material to flow or be cast into any river, creek, stream, pond, or lake, and thereby cause the destruction of any fish therein, he shall be guilty of a misdemeanour punishable by a fine not exceeding *fifty* pounds, or by imprisonment for a term not exceeding *two* years.

Poisonous material not to be put in water.

40 37. Any person who uses dynamite or other explosive substance to catch or destroy fish in a fishery shall be liable, on summary conviction, either to a fine not exceeding *twenty* pounds, or, in the discretion of the Court, to be imprisoned with or without hard labour for 55 a term not exceeding *two* months.

Prohibition of the use of dynamite in fisheries.

PROCEDURE.

38. Any offence committed under this Act on the sea-coast, or at sea within one marine league of the coast, shall be deemed to be committed in a fishery; and, if beyond the ordinary jurisdiction of any Court of summary jurisdiction, shall be deemed either to have

Offences committed on sea-coast where to be tried.

been committed on the land abutting on such sea-coast or adjoining such sea, or to have been committed in any place where the offender is found, and may be tried and punished accordingly.

39. No aboriginal Native of New Zealand nor half-caste shall be sued for any penalty, fine, or forfeiture under this Act, unless and until authority to take proceedings, signed by the Native Minister, has been filed in the Court in which such proceedings are intended to be taken. 5

40. Any Inspector, or any constable, with or without warrant, may seize any net or nets, gear, tackle, or apparatus which any person found offending against any of the provisions of this Act may be using; and may also, with or without warrant, apprehend any person whose name and address are unknown to him and who is found offending against any of the provisions of this Act. 10

41. If the officer or constable in charge of the lock-up or police station in which such person is detained see fit so to do, he may liberate such person on his making a deposit of ten pounds, or on his own recognizance in a like sum, conditioned to appear before some Justice of the Peace; and such deposit shall be absolutely forfeited if the aforesaid person fail to appear at the place and time notified by the officer or constable taking the same; and such recognizance shall be made or be in such form and recoverable in the same manner as any recognizance now or hereafter may be, if taken and acknowledged before a Justice of the Peace. 15

42. All police constables and others, if called upon to aid and assist any Inspector of Fisheries or other officer in the execution of any of the powers vested in him by this Act, are hereby authorized and required to aid and assist such Inspector or officer in the lawful exercise of the powers and authorities so given to him for enforcing the provisions of this Act. 25

43. Any Justice of the Peace, upon information on oath that there is probable cause to suspect any breach of the provisions of this Act to have been committed anywhere, may, by warrant under his hand and seal, authorize and empower by name any Inspector of Fisheries, or other officer appointed by the Governor under this Act, or any constable, to enter any dwellinghouse or premises for the purpose of detecting such offence. 30

44. The Chief Inspector of a district or any Justice of the Peace may authorize in writing any person to search for and seize any net or nets, gear, tackle, or apparatus which has been forfeited; and the person so authorized may, at any hour between sunrise and sunset, enter into and search any house, shop, store, tent, or other premises, and go on board of any boat, and search for, seize, and take away any such net or nets, gear, tackle, or apparatus. 35

45. All prosecutions and proceedings under this Act may be in the name of the Chief Inspector of Fisheries of the district wherein an offence is committed or an offender is found, or of any officer appointed under this Act or nominated in writing for that purpose by the aforesaid Commissioner. 45

In any such prosecution or proceeding, it shall be sufficient to set forth the offence in the words of this Act. 50

46. Every conviction or order under this Act shall be a full and effectual release from all further or other proceedings, whether civil or criminal, for the same cause, and shall and may be pleaded in bar of such proceedings. 55

47. If any person shall be convicted of a second or subsequent offence against the provisions of this Act, such person shall forfeit any license or permission he may have obtained under the authority of this Act, and shall be incapable of holding any such license or permission for the period of *three* years. 60

Proceedings against Natives to be taken only when authorized by Native Minister.

Apprehending of offenders.

Offenders may be admitted to bail.

Police to aid and assist Inspectors.

Search warrants may be granted.

Search for forfeited tackle, &c.

Proceedings to be in name of Commissioner.

Proceedings to bar other proceedings.

On second conviction license to be forfeited.

MISCELLANEOUS.

48. The evidence of informers, owners, or occupiers of fisheries, or of other persons interested in any fishery, shall be receivable in all Courts upon any legal proceedings taken against any offender against
 5 any of the provisions of this Act or of any of the Acts incorporated herewith, notwithstanding that the witness shall be entitled, in case of the conviction of the offender, to receive a portion of the penalty awarded: And it shall be lawful for the Justices hearing the case to
 10 witness shall not be corroborated by any other testimony.
49. No proceeding under this Act shall be removed into the Supreme Court by *certiorari*. No *certiorari*.
50. All offences and all penalties under this Act, where not otherwise provided for, may be heard and determined and recovered
 15 in a summary way, with or without information in writing, before any two or more Justices of the Peace. Procedure in summary manner.
51. Any penalties imposed by this Act for taking any fish, oysters, or seals during any close season for the same respectively, shall apply to such season however the same may be varied or
 20 extended. Penalties to apply to extended close seasons.
52. The fines and restrictions for the capture or sale of fish imposed by this Act shall not extend to any society or person carrying on the business of breeding, rearing, preservation, and sale of fish. Persons taking fish or ova for propagation not liable to penalties.
 Provided that the fish caught or eggs obtained are solely for the
 25 purpose of artificial propagation, and the fish or eggs sold are from the waters belonging to such society or person.
53. All fees and penalties received and recovered under this Act shall be paid into the Public Account, and the amount received in each year shall be primarily applicable to the payment of any salaries
 30 or other expenses to become payable under this Act. Application of fees and penalties.
54. The Governor may prescribe, in any case of conviction for an offence under this Act or under any of the Acts incorporated herewith, that any portion of the penalty, not exceeding a moiety thereof, shall be granted to or distributed amongst the persons giving
 35 any information that procured the conviction. Rewards to informers.
55. No action shall be brought against any person for anything done in pursuance of this Act or any such regulation as aforesaid, unless such action shall be commenced within three months after the cause of action has arisen, nor unless notice in writing of such action
 40 and the cause thereof is given to the defendant one month at least before the commencement of the action, and the defendant may plead the general issue and give this Act and the special matter in evidence, and the plaintiff shall not recover in such action if tender of sufficient amends has been made before action brought, or if a sufficient sum
 45 of money has been paid into Court after action brought; and, if a verdict is given for the defendant or the plaintiff is nonsuited or discontinues his action, or if judgment is given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and though a verdict is given against the defendant the plaintiff shall
 50 not have costs against the defendant unless the Judge who tries the case certifies his approbation of the action and of the verdict. Limitation of actions.
56. Nothing in this Act contained shall be deemed to make it necessary for any person who, by express words in a grant, lease, or license from the Crown is seised of or entitled to the soil of and in
 55 any part of the seashore to obtain any permission under this Act to form oyster-beds on such parts of the shore. Persons entitled to land on the shore may form oyster-beds.
57. No license granted under this Act shall confer a right of entry upon the lands of any person without or against his consent. License not to warrant trespass upon lands.

Reserves alongside
rivers not to be
alienated.

58. Where a public reserve for a road or other purpose has been made alongside any river, such reserve shall not be appropriated for any other purpose than that for which it was made, nor otherwise dealt with except under the authority of a special Act of the General Assembly passed for that purpose.

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Repeals.

59. The following Acts are hereby repealed; that is to say,—

1866, No. 57.—“The Oyster Fisheries Act, 1866.”

1867, No. 34.—“The Salmon and Trout Act, 1867.”

1869, No. 50.—“The Oyster Fisheries Act Amendment Act, 1869.”

1874, No. 71.—“The Oyster Fisheries Act Amendment Act, 1874.”

1877, No. 45.—“The Fish Protection Act, 1877.”

1878, No. 42.—“The Fisheries (Dynamite) Act, 1878.”

1878, No. 43.—“The Seals Fisheries Protection Act, 1878.”

By Authority: GEORGE DIDSBURY, Government Printer, Wellington.—1880.