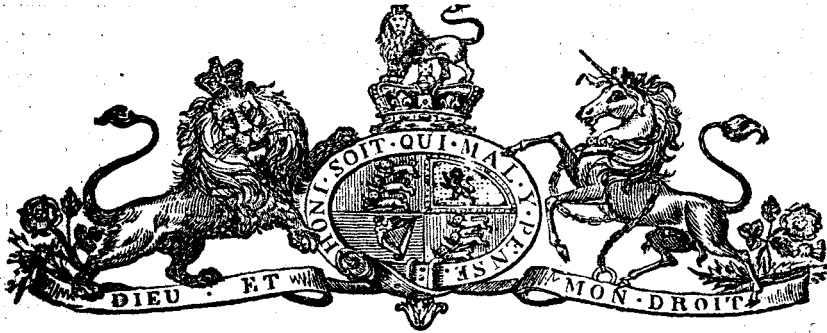


T A S M A N I A .



1870.

ANNO TRICESIMO-QUARTO

VICTORIÆ REGINÆ,

No. 24.



AN ACT to prevent the Sale or Purchase of
Flounders under a certain Size.

[18 October, 1870.]

WHEREAS great destruction and waste of the Fish called the Flounder is occasioned by reason of such Fish being caught and taken by nets and otherwise, and sold and disposed of before they are of sufficient growth or age, to the danger of the extirpation of such Fish: Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

PREAMBLE.

1 If any person or persons shall, at any time or times after the passing of this Act, either buy or sell, or cause to be bought or sold, or shall offer or expose for sale, or shall have in his or their possession or control any fish or fishes known as or called the Flounder of a size less than Nine inches in length, every person so offending shall, upon conviction, forfeit and pay for every such offence a penalty or sum not exceeding Five Pounds.

Prevents the buying or selling Flounders under a certain size.

2 It shall be lawful for any Constable, without warrant, to enter any fishing-boat, or boat containing fish, for the purpose of searching for Flounders of a less size than is hereinbefore mentioned; and also, for the like purpose, to enter and search the shop or place of business of any dealer where fish are publicly exposed, and to search the basket, tray, or other vessel in the possession or control of any itinerant vendor of fish; and any person resisting or obstructing such Constable in the execution of any of the powers hereby conferred on him shall, for each offence, be liable to a penalty not exceeding Five Pounds.

Constables may search boats, &c.

Flounders Sale Regulation.

Fish may be seized.

3 Every such Fish as aforesaid of a less size than is hereinbefore mentioned, so bought or sold, or offered or exposed for sale as aforesaid, or being in the possession or control of any person or persons as aforesaid, or found in boats as aforesaid, may be forthwith seized by any Constable; and, being taken by him without delay before any Justice of the Peace, the same Fish shall, upon proof of the fact of such illegal purchase, sale, offer, or exposing as aforesaid, or of being in possession or control as aforesaid, or found in boats as aforesaid, be forthwith condemned, and shall thereupon become forfeited to the use of the Constable having so seized the same.

Offences how punished.

4 All offences against this Act, and all penalties and sums of money, costs, charges, and expenses imposed or made payable by this Act, shall be heard, determined, and recovered in a summary way by and before any Justice of the Peace, in the mode prescribed by *The Magistrates Summary Procedure Act*.

Distribution of penalties.

5 All fines and penalties imposed or made payable by this Act shall when recovered be paid to the Colonial Treasurer and form part of the General Revenue, if the offence for which any such fine or penalty is imposed is not committed within the area of any Municipality; but if the offence is committed within the area of any Municipality, then such fine or penalty shall be paid over to the Treasurer of such Municipality and shall form part of the Municipal Fund.