

T A S M A N I A.



1873.

ANNO TRICESIMO-SEPTIMO

VICTORIÆ REGINÆ,

No. 17.



AN ACT to amend "The Trout Act, 1870," A.D. 1873.  
[31 October, 1873.]

WHEREAS it is expedient to amend "The Trout Act, 1870:" PREAMBLE.  
Be it therefore enacted by His Excellency the Governor of *Tasmania*, 34 Vict. No. 23.  
by and with the advice and consent of the Legislative Council and  
House of Assembly, in Parliament assembled, as follows:—

1 Sections Six, Seven, Eight, Nine, and Ten of "The Trout Act, 1870," are hereby repealed; but such repeal shall not affect anything duly done or any offence committed before the commencement of this Act, which shall be dealt with as if this Act had not been passed. Repeal.

2 No person shall in any year fish for, catch, or attempt to catch or kill Trout between the days hereinafter mentioned (which interval is herein referred to as "the close season"), that is to say, between the First day of *May* and the Thirty-first day of *October* following, both inclusive; and any person acting in contravention of this Section shall forfeit any Trout caught by him, and shall, in addition thereto, incur a penalty not exceeding Two Pounds for each such fish. Close time.

3 No person shall in any year buy, sell, or expose for sale, or have in his possession for sale any Trout between the Third day of *May* and the First day of *November* following; and any person acting in contravention of this Section shall forfeit any fish so bought, sold, or exposed for sale, or in his possession for sale, and shall also incur a penalty not exceeding Two Pounds for each such fish; but nothing herein or in the said Act contained shall prevent the sale of Trout or the ova or Penalty on selling fish during close season.

*The Trout Act, 1873.*

A.D. 1873.

young of Trout during the close season by any person or body of persons appointed by the Governor in Council, for the purpose of stocking any *Australian* or *New Zealand* waters.

No person to fish for Trout unless licensed.

**4** It shall not be lawful for any person to fish for, catch, or kill Trout who is not the holder of a Licence issued under the provisions of this Act.

Persons licensed may fish for Trout.

**5** Every person who may desire to fish for Trout may apply in writing to any such person who may be appointed by the Governor in Council to issue Licences under this Act, and upon payment to any such person of the fee fixed by the Governor in Council from time to time, a Licence may issue to such person giving an authority to him to fish for Trout with rod and line until the First day of *May* then next following the date thereof.

No such Licence shall entitle any person to enter upon the land of any private owner or owners adjoining waters for the purpose of catching Trout without the consent of such owner or owners.

Penalty on person not erecting gratings to prevent the descent of Trout into artificial streams.

**6** If Trout or the young of Trout are led aside out of a main stream by means of any artificial channel used for the purpose of supplying Towns with water, or for working any mill, or for the purposes of irrigation, or for any other purpose, the person having the control over such artificial channel shall, within Two months after written notice shall have been given to the said person by any Superintendent of Police, put up and shall maintain at his own costs and charges a grating or gratings across such channel, and such grating or gratings shall be of such gauge and placed in such form and manner as may be approved by the Governor in Council; and any person failing to put a grating or gratings in cases where he is required to do so by this Clause, shall incur a penalty not exceeding Two Pounds for every day after the expiration of such period of Two months during which such person shall fail to comply with the provisions of this Clause; and any such person failing so to maintain the same shall incur a penalty not exceeding Ten Shillings for every day during which such failure continues.

Persons not licensed liable to penalty for fishing.

**7** If any person fishes for Trout without being duly licensed under this Act, he shall forfeit and pay a penalty not exceeding Two Pounds; he shall forfeit all rods, tackle, or other instruments used by him in fishing for or killing Trout as aforesaid; and shall also be liable to pay the full Licence fee payable by such person over and above the said penalty.

Appropriation.

**8** All sums of money received for the sale of the ova or young of Trout, as aforesaid, all fees received by any person for Licences under this Act, and all penalties imposed by virtue of the said Act and this Act, shall be paid into the Colonial Treasury and form part of the General Revenue.

Acts to be read together.

**9** This Act and the said Act shall, save so far as the same is altered by this Act, be read and construed together as one Act.

Short Title.

**10** This Act may be cited as "The Trout Act, 1873."