

SH
325
N8A3
1915

North Carolina Fishing Laws, 19

For the Fisheries Commission Board



Class 34

Book 100

State of North Carolina
Fishing Laws
1915

FOR THE FISHERIES COMMISSION BOARD

By JOSEPH B. CHESHIRE, Jr.
OF THE RALEIGH BAR

1915
EDWARDS & BROUGHTON PRINTING COMPANY
STATE PRINTERS

SH 325
N8A3
1915

NOTE

The laws contained in this volume are given as they are printed in the Acts of our General Assembly. An effort has been made to omit all laws and parts of laws not at present in force, and to arrange those here given in an appropriate order and logical sequence. The compiler is conscious that he has not been entirely successful in his effort to accomplish this. So many acts have been passed without any regard to what had gone before, so many local interests have been considered in our public legislation, and so little care has been observed in drawing new acts, that it is not always possible to know what the law is; and many conflicting provisions and inaccuracies may be observed in the following pages. While quite aware of these, the compiler has been, of course, helpless to correct or to reconcile them. He can only give the laws as they stand, trusting that the exhibition of these defects may help towards their ultimate removal by a general and systematic codification of our laws affecting this important interest of our State.

June 22, 1915.

J. B. C., Jr.

D. of D.

JAN 22 1917

CONTENTS

	Page
I. FISHERIES COMMISSION BOARD	5
II. LICENSES, TAXES, AND FEES.....	9
III. FOOD FISH	14
1. Protected	14
2. Inspection of	15
IV. SHELL FISH	16
1. Oyster Beds and Bottoms.....	16
a. Defined	16
b. Grants	16
c. Leases	18
2. Catching Oysters	21
a. In General	21
b. Local Laws	25
3. Catching Clams	28
V. TERRAPIN	30
VI. FISHING	31
1. In General	31
a. Fisheries	31
b. Non-residents	32
c. Explosives, Poisons, Obstructions, Sunday Fishing.....	33
d. Nets and Stakes	34
e. Measure for Scrap	36
2. General Local Laws	36
3. Local Laws (Commercial Fishing).....	51
a. Counties	51
b. Localities	64
4. Local Laws (Non-commercial Fishing).....	66
a. Counties	66
b. Localities	69



1. FISHERIES COMMISSION BOARD

Section 1. Commission Established; Number; Appointment; Term; Pay. That for the purpose of enforcing the laws relating to all commercial fish there is hereby created a fisheries commission, which shall consist of five members appointed by the Governor, at least three of whom shall be from the several fishing districts of the State, who shall be denominated the "Fisheries Commission Board." The members shall be appointed as follows, viz.: two, whose term of office shall expire on the first day of June, one thousand nine hundred and seventeen, and three, one of which shall be a member of the minority party, whose terms of office shall expire on the first day of June, one thousand nine hundred and nineteen; and their successors shall be appointed by the Governor for a term of four years each thereafter. The five members shall receive four dollars per day each and traveling expenses while attending meetings of the board: Provided, that per diem and expenses shall not exceed two hundred and fifty dollars per annum.

1915, ch. 84, sec. 1.

Sec. 2. Fish Commissioner; Appointment; Term; Reports; Vacancy; Assistants; Pay; Bonds; Oaths; Removal of Assistants. That said board shall appoint a fish commissioner within thirty days after the passage of this act, and the said commissioner shall be responsible to the Fisheries Commission Board for carrying out the duties of his office, and shall make semi-annual reports to them at such time as they may require. The term of office of said commissioner and his successors in office shall be four years, or until their successors are appointed and qualified, and in case of vacancy in the office the appointment shall be to fill the vacancy. The said commissioner shall appoint two assistant commissioners, by and with the consent of the Fisheries Commission Board, one of whom shall be designated as assistant fish commissioner and the other as shellfish commissioner. The aforesaid commissioner and assistant commissioners shall receive such pay as the Fisheries Commission Board shall determine. During the absence of the commissioner, or his inability to act, the Fisheries Commission Board shall appoint one of the assistant commissioners to have and exercise all the powers of the commissioner. The commissioner and assistant commissioners shall each execute and file with the Secretary of State a bond, payable to the State of North Carolina, in the sum of five thousand dollars for the commissioner and twenty-five hundred dollars for each of the assistant commissioners, with sureties to be approved by the Secretary of State, conditioned for the faithful performance of their duties and to account for and pay over pursuant to law all moneys received by them in their office. The fisheries commissioner and assistant commissioners shall take and subscribe an oath to support the Constitution and for the faithful performance of the duties of his office, which oaths shall be filed with their bonds. The assistant commissioners may be removed for cause by the commissioner, who may appoint their successors.

1915, ch. 84, sec. 1.

Sec. 3. Inspectors; Direction of; Pay. The fisheries commissioner may appoint, with the approval of the Fisheries Commission Board, inspectors in each county having fisheries under his jurisdiction, who will assist him at

such times as he may require. The said inspector shall serve under the direction of the commissioner, receiving compensation not to exceed three dollars per day and necessary expense, while in actual service.

1915, ch. 84, sec. 2.

Sec. 4. Office and Clerical Force of Commissioner. The fisheries commissioner shall rent and equip an office, which will be adequate for the business of the commission, in some town conveniently located to the maritime fisheries, and he is authorized to employ such clerks and other employees as may be necessary for the proper carrying on of the work of his office, by and with the consent of the Fisheries Commission Board.

1915, ch. 84, sec. 3.

Sec. 5. Boats; Nets; Equipment. The fisheries commissioner is authorized, by and with the consent of the Fisheries Commission Board, to purchase or rent such boats, nets, and other equipment as may be necessary to enable him and his assistants to fulfill the duties specified in this act.

1915, ch. 84, sec. 4.

Sec. 6. Commissioner's Duties; Regulations, Passage of Fish; Statistics; Maps and Charts; Surveys; Prosecutions; Licenses, Fees and Rentals; Statements; Investigations of Marine Life. The commissioner shall enforce all acts relating to the fish and fisheries of North Carolina; he shall, by and with the advice and consent of the Fisheries Commission Board, make such regulations as shall maintain open for the passage of fishes all inlets and not less than one-third of the width of all sounds and streams, or such greater proportions of their width as may be necessary; he shall collect and compile statistics showing the annual product of the fisheries of the State, the capital invested, and the apparatus employed, and any fisherman refusing to give these statistics shall be refused a license for the next year; and the fish commissioner shall prepare and have on file in his office maps based on the charts of the United States Coast and Geodetic Survey, of the largest scale published, showing as closely as may be the location of all fixed apparatus employed during each fishing season; he shall have surveyed and marked in a prominent manner those areas of waters of the State in which the use of any or all fishing appliances are prohibited by law or regulation, and those areas of waters in the State in which oyster tonging or dredging is prohibited by law; he shall prosecute all violations of the fish laws, and wherever necessary he may employ counsel for this purpose; wherever he shall find nets or other appliances being fished or used in violation of the fisheries laws of the State he shall remove same pending trial; he shall, in an official capacity, have power to administer oaths and to send for and examine persons and papers; he shall be responsible for the collection of all license taxes, fees, rentals, or other imposts on the fisheries, and shall pay same into the State treasury to the credit of the fisheries commission fund; he shall on or before the twenty-fifth day of each month, mail to the Treasurer of the State a consolidated statement showing the amount of taxes and license fees collected during the preceding month, and by and from whom collected; he shall carry on investigations relating to the migration and habits of the fish in the waters of the State, also investigations relating to the cultivation of the oyster, clam and other mollusca, and of the terrapin and crab, and for this purpose he may employ such scientific assistance as may be authorized by the Fisheries Commission Board.

1915, ch. 84, sec. 5.

Sec. 7. Arrest Without Warrant. The fisheries commissioner, assistant commissioners and inspectors shall have power, with or without warrants, to arrest any person or persons violating any of the fishery laws, who shall be carried before a magistrate for trial according to section three thousand one hundred and eighty-two of The Revisal of one thousand nine hundred and five.

1915, ch. 84, sec. 6.

Sec. 8. Fish for Scientific Purposes. The fisheries commissioner and the United States Bureau of Fisheries may take and cause to be taken for scientific purposes or for fish culture any fish or other marine organism at any time from the waters of North Carolina, any law to the contrary notwithstanding; and may cause or permit to be sold such fishes or parts of fishes so taken as may not be necessary for purposes of scientific investigations or fish culture: Provided, that in taking fish for fish culture in the hatcheries of this State the fish shall only be taken while the hatcheries are in operation and only between the hours of four and eleven p. m.

1915, ch. 84, sec. 7.

Sec. 9. Officers, no Interest in Fisheries. The members of the Fisheries Commission Board, the fisheries commissioner, assistant commissioners, and inspectors shall not be financially interested in any fishing industry in North Carolina.

1915, ch. 84, sec. 8.

Sec. 10. Reports of Board to General Assembly; Published. The Fisheries Commission Board shall cause to be prepared and submitted to each Legislature a report showing the operations, collections and expenditures of the fisheries commission; and it shall also cause to be prepared for publication such other reports, with necessary illustrations and maps, as will adequately set forth the results of the work and the investigations of the fisheries commission, all such reports, illustrations, and maps to be printed and distributed at the expense of the State, as are other public documents, as the Fisheries Commission Board may direct.

1915, ch. 84, sec. 15.

Sec. 11. Appropriations; Repayment; Transfer of Funds; Outstanding Claims. There is hereby appropriated out of the general treasury as a supplementary fund the sum of ten thousand dollars annually for two years, or as much thereof as may be needed, to the fisheries commission to carry out the work of the commission in the protection and promotion of the fisheries of the State, this sum to be repaid to the general treasury by the fisheries commission when it shall be on a self-sustaining basis, said sum to be used and expended as directed by the Fisheries Commission Board, and any part of it that may be required may be used for purchasing boats and other equipment necessary to carry out the work of the commission; and any money that may be in the State treasury to the credit of the fish commission and oyster commission fund on the day that this act becomes effective shall be transferred by the State Treasurer to the credit of the fisheries commission fund, and the Fisheries Commission Board is hereby authorized to pay out of the fisheries commission fund all just claims that may be outstanding against the fish or oyster commissions.

1915, ch. 84, sec. 16.

Sec. 12. Transfer of Equipment. All boats, fishing and oyster tackle, office supplies, stationery, and all other supplies of whatever character belonging to the fish commission and oyster commission shall be transferred to the fisheries commissioner for the use of the fisheries commission.

1915, ch. 84, sec. 17.

Sec. 13. Jurisdiction of the State. The State of North Carolina shall have exclusive jurisdiction and control over all the commercial fisheries of the State wherever located.

1915, ch. 84, sec. 18.

Sec. 14. Power of Board; Regulations; Punishment; Hearing on Regulations; Changes in Effect, When. The Fisheries Commission Board is hereby authorized to regulate, prohibit or restrict, in time, place, character and dimensions, the use of nets, appliances, apparatus or means employed in taking or killing fish; to regulate the seasons at which the various species of fish may be taken in the several waters of the State, and to prescribe the minimum sizes of fish which may be taken in the said several waters of the State; and, such regulations, prohibitions, restrictions and prescriptions, after due publication, shall be of equal force and effect with the provisions of this act; and any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned at the discretion of the court: Provided, however, that if a petition signed by five or more voters of the district or community which will be affected by the proposed change is filed with the Fisheries Commission Board through the fisheries commissioner, assistant commissioners, or inspectors, asking that they have a hearing before any proposed change in the territory, size of mesh, length of net, or time of fishing shall go into effect, petitioning that they be heard regarding said change, the Fisheries Commission Board shall in that event designate by advertisement for a period of thirty days at the courthouse and three other public places in the county affected, and also by publication in a newspaper of the county, if such is published in said county, for two consecutive weeks, a place at which said board will meet and hear argument for and against said change, and may ratify, rescind, or alter this previous order of change as may seem just in the premises; and, provided, further, that in making regulations the Fisheries Commission Board shall give due weight and consideration to all factors which will affect the value of the present investment in the fisheries, and that no changes in the existing laws which, if they should go into effect immediately would tend to cause fishermen to lose their property, shall go into effect until twelve months from the date that the change has been made by the Fisheries Commission Board.

1915, ch. 84, sec. 21.

Sec. 15. Disturbing Posts, Buoys, Marks; Punishment. Any person or persons removing, injuring, defacing, or in any way disturbing the posts, buoys, or any other appliances used by the fisheries commission in marking the restricted areas relating to any and all fishing, or marking other areas in which oyster tonging or dredging is prohibited by law, and those marking oyster bottoms that are leased for oyster cultivation, shall be guilty of a misdemeanor and, upon conviction, shall be fined or imprisoned at the discretion of the court; and any person anchoring or mooring a boat to any of these buoys or posts shall, upon conviction, be fined not less than twenty-five or more than one hundred dollars, and imprisoned thirty days in jail, at the discretion of the court.

1915, ch. 84, sec. 22.

Sec. 16. Terms Construed, Act 1915. Wherever the word "fish" or "fishes," used as a substantive, occurs in this act, it shall be construed to include porpoises and other marine mammals, fishes, mollusca, and crustaceans, and wherever the word "fishing" or "fisheries" occurs it shall be construed to include all operations involved in using, setting or operating apparatus employed in killing or taking the said animals or in transporting and preparing them for market.

1915, ch. 84, sec. 24.

Sec. 17. Former Acts Amended by Act 1915. That all acts relating to the commercial fisheries of North Carolina are hereby amended so that the words "Shellfish Commissioner," "Oyster Commissioner," or "Fish Commissioner" shall read "Fisheries Commissioner," and the words "Shellfish" read "Fisheries Commission."

1915, ch. 84, sec. 25.

II. LICENSES, TAXES, AND FEES

Sec. 18. Funds Deposited; Used by Board. All license fees, taxes, rentals of bottoms for oyster or clam cultivation, and other imposts upon the fisheries, in whatever manner collected, shall, except as otherwise provided in this act, be deposited with the State Treasurer to the credit of the fisheries commission fund, to be drawn upon as directed by the Fisheries Commission Board.

1915, ch. 84, sec. 9.

Sec. 19. Licenses to Fish and Catch Oysters; Verified Statement; Issued; Record; Tags; Number on Sail; Seizure and Sale of Vessel Violating; Term of License; Punishment. Each and every person, firm, or corporation, before commencing or engaging in any kind of fishing in the State, shall file with an inspector of the county in which he desires to fish, or with the fisheries commissioner or any of his assistant commissioners, a sworn statement as to the number and kind of nets, seines, or other apparatus intended to be used in fishing. Upon filing this sworn statement on oath the fisheries commissioner shall issue or cause to be issued to the said party or parties a license as prescribed by law; said applicant shall pay a license fee equal in amount to the fee or tax prescribed by law for fishing different kinds of apparatus in the waters of the State of North Carolina, or for tonging or dredging for oysters, as the case may be. The fisheries commissioner shall keep in a book especially prepared for the purpose an exact record of all licenses, to whom issued, the number and kinds of nets, boats and other apparatus licensed and the license fees received. He shall furnish to each person, firm or corporation in whose favor a license is issued a special tag which will show the license number and number of pound nets, or yards of seine, or yards of gill net that the licensee is authorized to use, and the licensee shall attach said tag to the net in a conspicuous manner satisfactory to the fisheries commissioner. All boats or vessels licensed to scoop, scrape, or dredge oysters shall display on the port side of the jib, above the reef and bonnet and on the opposite side of the mainsail, above all reef points, in black letters, not less than twenty inches long, the initial letter of the county granting the license and the number of said license, the number to be painted on canvas and furnished by the fisheries commissioner, for which he shall receive the sum of fifty cents. Any boat or vessel used in catching oysters without having complied with the provisions of this section may be seized, forfeited, ad-

vertised for twenty days at the courthouse and two other public places in the county where seized, and sold at some public place designated in the advertisement, and the proceeds, less the costs of the proceedings, shall be paid into the school fund. The licenses to fish with nets shall all terminate December thirty-first. Any person who shall willfully use for commercial fishing purposes any kind of net whatever, without having first complied with the provisions of this section, shall be guilty of a misdemeanor, and, upon conviction, shall be fined twenty-five dollars for each and every offense.

1915, ch. 84, sec. 10.

Sec. 20. False Statement in Application for Oysterman's License. If any person shall make any false statement for the purpose of procuring any license, which may be required by law, to catch oysters, or to engage in the oyster industry, he shall be guilty of perjury and punished as provided by law.

Rev. 1905, sec. 2390.

Sec. 21. License for Boats Catching Oysters; Power Boats and Non-residents Prohibited. The fisheries commissioner, or shellfish commissioner, or inspector, may grant license for a boat to be used in catching oysters upon application made, according to law, and the payment of a license tax as follows: On any boat or vessel without cabin or deck, and under custom house tonnage, using scrapes or dredges, measuring over all twenty-five feet and under thirty, a tax of three dollars; fifteen feet and under twenty-five feet, a tax of two dollars; on any boat or vessel with cabin or deck, and under custom house tonnage, using scrape or dredges, measuring over all thirty feet or under, a tax of five dollars; over thirty feet, a tax of six dollars; on any boat or vessel using scoops, scrapes or dredges, required to be registered or enrolled in the custom house, a tax of one dollar and fifty cents a ton on gross tonnage. No vessel propelled by steam, gas or electricity, and no boat or vessel not the property absolutely of a citizen or citizens of this State, shall receive license or be permitted in any manner to engage in the catching of oysters anywhere in the waters of this State.

1915, ch. 84, sec. 11.

Sec. 22. Licensee to Catch Oysters Must be Resident for Two Years. No person shall be licensed to catch oysters from the public grounds of the State who is owner, lessee, master, captain, mate or foreman, or who owns an interest in or who is an agent for any boat that is used or that may be used in dredging oysters from the public grounds of the State, who is not a bona fide resident of this State and who has not continuously resided therein for two years next preceding the date of his application for license, and no non-resident shall be employed as a laborer on any boat licensed to dredge oysters under this sub-chapter who has any interest in or who receives any profit from the oysters caught by any boat permitted to dredge oysters on the public grounds of the State. Any person, firm or corporation employing any non-resident laborer forbidden by this section, upon conviction shall be fined not less than fifty dollars nor more than five hundred dollars.

Rev. 1905, sec. 2408.

Sec. 23. Oath and License to Catch Oysters. Any person desiring to catch oysters from the public grounds and natural oyster beds shall make and subscribe to the following oath before some officer qualified to administer oaths:

I, (state if owner, lessee, master, captain, mate, foreman, or agent of any boat used or that may be used in dredging oysters from the public grounds of the State), being an applicant for oyster license, do solemnly swear that I am a citizen of North Carolina and have been a resident of the State for the two years next preceding this day; that my place of residence is now in county; that I will not, if granted license, employ any non-resident or unlicensed person as an assistant or serve as an assistant to any non-resident who is owner, lessee, master, captain, mate or foreman, or who has any interest in, or in the profits derived from, any boat that is used or may be used in dredging oysters from the public grounds of the State, or unlicensed person, nor will I transfer, assign or otherwise dispose of my license to any person, firm or corporation; that I will not knowingly or willfully violate or evade any of the laws or regulations of the State relating to oyster industry; so help me, God.

He shall then present to and file said oath with the fisheries commissioner, assistant commissioner, or inspector, who, if satisfied with the truth of the statement made in the oath of application, shall issue to him an oysterman's license in the following form:

State of North Carolina, County.

....., a resident of county, having this day made application to me for an oysterman's license, and having filed with me the oath prescribed by law, I do hereby grant to him license to catch oysters from the public grounds of this State from the fifteenth day of October,, until the first day of next April.

Witness my hand and official seal, this day of, 191.....

.....
 Fisheries Commissioner, Assistant Commissioner, or
 Inspector (as the case may be).

The said oath and record of the license shall be kept by the fisheries commissioner, assistant commissioner, or inspector, and for issuing and recording the same he shall receive from the applicant a fee of twenty-five cents, which, together with all other license fees collected under this chapter, shall be paid over to the State Treasurer and constitute part of the fisheries commission fund. No fee shall be charged by the clerk for administering the oath.

Rev. 1905, sec. 2409.

Sec. 24. Failure to Stop and Show License. If any person using a boat or vessel for the purpose of catching oysters shall refuse to stop and exhibit his license when commanded to do so by the fisheries commissioner, assistant commissioner, or any inspector, he shall be guilty of a misdemeanor and be fined not less than twenty-five dollars nor more than fifty dollars.

Rev. 1905, sec. 2389.

Sec. 25. Catching Oysters Without License. If any person shall catch oysters from the public grounds of the State without having first obtained a license according to law, or shall employ any person as agent or assistant, or shall as the agent or assistant of any persons, catch oysters from public grounds, without all of said persons having first obtained a license according to law, he shall be guilty of a misdemeanor, and be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Rev. 1905, sec. 2386.

Sec. 26. Boat Not Licensed. If any person shall use any boat or vessel in catching oysters, which boat has not been licensed according to law, and -

which is not in all respects complying with the law regulating the use of such vessels, he shall be guilty of a misdemeanor and shall be fined not more than fifty dollars nor less than ten dollars or imprisoned not more than thirty days nor less than ten days for the first offense, but for the second or subsequent offense he shall be guilty of a misdemeanor and punished at the discretion of the court.

Rev. 1905, sec. 2387.

Sec. 27. License, Purse or Shirred Nets; Term; Punishment. Whenever any person or persons, corporation or corporations, may intend to taken menhaden (fat-backs), porgies, herring or other fish in any waters within the jurisdiction of this State, including the waters of the Atlantic Ocean within three nautical miles of the coasts of said State, either on his own account and benefit or on account and benefit of his employer, with purse or shirred nets, such person or persons, corporation or corporations shall make an application to the fisheries commissioner for license, and, upon the receipt of such application, the fisheries commissioner shall, upon the receipt of a sum equal to two dollars for each ton of the net tonnage up to seventy-five tons, and one dollar per ton in excess thereof, of each vessel employed in such fishing, said net tonnage to be determined by custom house measurement, as a license fee, issue to such person or persons, corporation or corporations, a license duly signed by the fisheries commissioner, which said license shall be valid and in force for the term of one year; all such licenses to be dated from January first, and no license shall be for a space of time less than one year. For every violation of this act the offending person or persons, corporation or corporations shall be guilty of a misdemeanor and be fined two hundred dollars for each and every offense.

1915, ch. 84, sec. 12.

Sec. 28. Tax on Dealers and Purchasers of Oysters; Inspectors Collect; License Revoked; Suit for Tax. All dealers in oysters and all persons who purchase oysters for canning, packing, shucking or shipping, shall pay a tax of two cents on every bushel of oysters purchased by them, or caught by them, or by any one of them: Provided, that no oyster shall be twice taxed: And provided further, that no tax shall be imposed on oysters taken from private oyster gardens. This tax shall be paid to and collected by the inspectors, and, when paid, a receipt shall be given therefor. Upon failure or refusal by any person, firm or corporation to pay said tax, his license as a dealer shall at once become null and void, and no further license shall be granted him during the current year; and it shall be the duty of the commissioner, assistant commissioner, or inspector, to institute suit for the collection of said tax. Such suit shall be in the name of the State of North Carolina on relation of the commissioner or of the inspector at whose instance such suit is instituted, and the recovery shall be for the benefit and to the use of the general fisheries commission fund.

1915, ch. 84, sec. 13.

Sec. 29. Appliances Taxed; Schedule of Licenses. The following license tax is hereby levied annually upon the different fishing appliances used in the waters of North Carolina:

Anchor gill nets, twenty cents per one hundred yards or fraction thereof.
Stake gill nets, ten cents per one hundred yards or fraction thereof.

Drift gill nets, twenty cents per one hundred yards or fraction thereof.

Pound nets, one dollar each.

Seine, drag nets and mullet nets under one hundred yards, one dollar each.

Seine, drag nets, and mullet nets over one hundred yards and under three hundred yards, one dollar per one hundred yards or fraction thereof.

Seine, drag nets, and mullet nets over three hundred yards and under one thousand yards, one dollar and twenty-five cents per one hundred yards or fraction thereof.

Seine, drag nets, and mullet nets over one thousand yards, one dollar and seventy-five cents per one hundred yards or fraction thereof.

Fyke nets, twenty-five cents each.

Tonging for oysters, the license tax shall be one dollar for each tonger.

1915, ch. 84, sec. 14.

Sec. 30. Oyster Dealer's License. (But see sec. 28.) The fisheries commissioner, assistant commissioner or inspector shall, upon application and the payment of a fee of fifty cents, grant to the applicant a dealer's license, authorizing the applicant to engage in the business of buying, purchasing, canning, packing, shucking or shipping oysters. Such license shall not be issued prior to the fifteenth day of November of any year and shall expire on the fifteenth day of March following. The assistant commissioner or inspector granting the license shall at once mail a duplicate to the fisheries commissioner. Nothing contained in this section shall be deemed to require any license of persons engaged in the business of buying, purchasing, canning, packing, shucking or shipping oysters which were not taken or caught from the public grounds or natural oyster beds of the State.

Rev. 1905, sec. 2411; 1907, ch. 969, sec. 7; 1915, ch. 136, sec. 3.

New Hanover, Onslow, and Pender.—License to Oyster Dealers. The fisheries commissioner, assistant commissioner or inspector shall, upon application and the payment of a fee of fifty cents, grant to the applicant a dealer's license, authorizing the applicant to engage in the business of buying, purchasing, canning, packing, shucking or shipping oysters. Such license shall not be issued prior to the fifteenth day of October of any year and shall expire on the first day of April following. The assistant commissioner or inspector granting the license shall at once mail a duplicate to the commissioner.

Rev. 1905, sec. 2411.

Sec. 31. Oyster Dealing Without a License. If any person shall engage in the business of buying, canning, packing, shipping, or shucking oysters, taken or caught from the public grounds or natural oyster beds of the State, without having first obtained a license as required by law, he shall be guilty of a misdemeanor and be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Rev. 1905, sec. 2395; 1915, ch. 136, sec. 1.

Sec. 32. Oysters Shipped Out of the State, Tax. That all oysters going out of the State in any boat or vessel shall pay a tax of two cents per tub.

1907, ch. 969, sec. 11; Spec. Ses. 1913, ch. 42, sec. 3.

Sec. 33. Licenses Reported Monthly. The fisheries commissioner, assistant commissioner, or inspector who are authorized to issue license or to collect a license tax, shall, on or before the fifteenth day of each month, mail

to the fisheries commissioner a statement, showing all licenses issued during the preceding month, to whom issued, and for what purpose, and the amount of tax collected by them from all sources under the oyster laws, and shall at the same time remit said amount direct to the State Treasurer. They shall at the same time mail to each inspector asking for the same a list of all persons to whom license has been issued and of all boats or vessels licensed, and for what purpose.

Rev. 1905, sec. 2412.

Sec. 34. Non-residents, License Tax for Commercial Fishing. If any person, not being a citizen and resident of this State, shall catch fish by seines, nets, or other appliances for taking fish for marketable purposes in any waters within the jurisdiction of this State, without first obtaining therefor a license from the State Treasurer and for which he shall pay a privilege tax of twenty-five hundred dollars per annum, he shall be guilty of a misdemeanor, and upon conviction in the superior court of any county contiguous to the waters so fished as aforesaid, shall be fined not exceeding three thousand dollars or imprisoned not exceeding two years, or be both fined and imprisoned, as aforesaid, in the discretion of the court; and any citizen of this State, or other person who shall form an alliance or co-partnership with a non-resident for the purpose of evading this section, or who shall act as an agent of any such non-resident, or as his servant, agent or employee, shall be deemed guilty of a misdemeanor, and upon conviction in the superior court of any county bordering upon the waters fished as aforesaid, shall be fined not less than one hundred dollars or imprisoned not less than six months, or be both in the discretion of the court; and the nets, seines, boats or other appliances of such person shall be liable by civil action to seizure and confiscation for the benefit of the public school fund. Any person who shall violate this section shall forfeit and pay the sum of five hundred dollars for each day engaged in fishing as aforesaid, to be sued for and recovered by any citizen of this State, the one-half of such recovery to be to the use of such citizen so suing and recovering the same, and the other half to the school fund. In any civil action for the recovery of the penalties hereinbefore provided for and mentioned, no person, agent, servant or other employee shall be excused from testifying therein on the ground of incriminating himself by his answer, but such answer shall not be used as evidence against such witness so testifying in any criminal action whatever.

Rev. 1905, sec. 2459.

Brunswick. (See sec. 167, Non-resident catching oysters, etc., license.)

III. FOOD FISH

1. Protected.
2. Inspection of.

1. Protected.

Sec. 35. Edible Fish Used for no Other Purpose; Punishment. Any person, firm or corporation who shall catch or cause to be caught any edible fish in the waters of the State of North Carolina for any other purpose than as food, and any person, firm or corporation who shall use any edible fish for fertilizing purposes shall be guilty of a misdemeanor and fined not less than fifty dollars or imprisoned not less than thirty days.

1915, ch. 84, sec. 23.

2. Inspection of.

Sec. 36. Inspectors Appointed by Counties; Duties; Fees. The board of county commissioners of every county where fish are packed for sale or shipment shall appoint and qualify one or more sworn inspectors of fish at or near all packing localities, whose duty it shall be to inspect all salt fish packed for sale or shipment; and all barrels, half barrels and packages of fish inspected and approved by them shall be branded with the word "Inspected" and the name of the inspector. Said board shall regulate and prescribe the duties, powers and fees of said inspector, which fees shall not exceed five cents per barrel of two hundred pounds net and two and one-half cents per half-barrel of one hundred pounds net and smaller packages, to be paid by the shipper. This section shall not apply to fishermen who may sell their fish to packers and shippers by weight or otherwise, as they may agree: Provided, that in any county where the board of county commissioners have not already appointed an inspector as is provided above, that upon a petition of two or more persons it shall be mandatory upon the said board of county commissioners to immediately appoint an inspector in accordance with the provisions above. Upon failure to do so for five days after said petition has been filed, said board shall be guilty of a misdemeanor: Provided, said petition be filed with the clerk of the board of commissioners five days before regular meeting of said board, and upon conviction shall be fined not less than five nor more than fifty dollars for each member or be imprisoned not more than thirty days.

1909, ch. 663, sec. 1; 1911, ch. 171, sec. 1.

Sec. 37. Sales by Weight; Weight Marked on Package. All salt fish packed for market shall be sold at their net weight, which shall be marked on every package; and any person packing or offering for sale salt fish, fraudulently marking the net weight on the package, shall for each offense be guilty of a misdemeanor and fined not more than fifty dollars or imprisoned not more than thirty days, or both, at the discretion of the court.

1909, ch. 663, sec. 2.

Sec. 38. Mullet Marked, How; Provisos. Each package of salt mullets packed and offered for sale shall be marked or stamped "Large," "Medium," or "Small," and all packages containing any other kind of fish shall be marked plainly the name of the fish contained, and any person who shall pack as principal or shall have the same done by others for him shall be deemed the packer and shall stamp his name and place of packing, together with net weight and size of fish, as prescribed in this section, on the head of each package before offering for sale or shipment, and on failure to pack and stamp as herein prescribed, or to pack or stamp said package falsely, so as to misrepresent the weight or size of the fish in said package, shall be guilty of a misdemeanor and fined not less than five nor more than fifty dollars for each offense, and may be imprisoned at the discretion of the court, not to exceed thirty days: Provided, this section shall not apply to packages containing less than fifty pounds net fish: Provided further, this section shall not apply to fishermen themselves, but shall apply only to merchants and others who may be classed as packers or brokers, within the proper meaning of the term.

1909, ch. 663, sec. 3.

Sec. 39. **Inspectors of Fish; Duties and Fees.** (Rev. 1905, sec. 4656, and Acts 1907, ch. 690, as to Beaufort County, seem repealed by 1909, ch. 663.)

Sec. 40. **Vessel Loading Without Inspection, Penalty.** No master or commander of any vessel shall take on board any such cask or barrel or other commodity, liable to inspection as aforesaid, without being inspected and branded as required under the penalty of two hundred dollars for each offense.

Rev. 1905, sec. 4657.

IV. SHELL FISH

1. Oyster Beds and Bottoms.
 - a. Defined.
 - b. Grants.
 - c. Leases.
2. Catching Oysters.
 - a. In General.
 - b. Local Laws.
3. Catching Clams.

1. Oyster Beds and Bottoms.

a. *Defined.*

Sec. 41. **Natural Defined.** A natural oyster or clam bed, as distinguished from an artificial oyster or clam bed, shall be one not planted by man, and is any shoal, reef or bottom where oysters are to be found growing in sufficient quantities to be valuable to the public.

Rev. 1905, sec. 2371.

b. *Grants.*

Sec. 42. **Certain Territory Under Control of State.** The State shall exercise exclusive jurisdiction and control over all shell fisheries which are or may be located in the boundaries of the State south of Roanoke and Croatan sounds and north of Core Sound, and for the purposes of this chapter the southern boundary line of Hyde County shall extend from the middle of Ocracoke Inlet to the Royal Shoal lighthouse, thence across Pamlico Sound and with the middle line of the Pamlico and Pungo rivers to the dividing line between the counties of Hyde and Beaufort, and the northern boundary line of Carteret County shall extend from the middle of Ocracoke Inlet to the Royal Shoal lighthouse, thence to the Brant Island Shoal lighthouse, thence across Pamlico Sound to a point midway between Maw Point and Point of Marsh, and thence with the middle line of the Neuse River to the dividing line between the counties of Carteret, Craven, or Pamlico, and that portion of Pamlico Sound and the Neuse and Pamlico rivers not within the boundaries of Dare, Hyde or Carteret counties, and not a part of any other county, shall be in the county of Pamlico, and for the purposes of this chapter and in the execution of the requirements thereof, the shore line as now defined by the United States Coast and Geodetic Survey shall be accepted as correct.

Rev. 1905, sec. 2375.

Sec. 43. **Beds Entered, How.** Any person a citizen and bona fide resident of the State desiring to raise, plant or cultivate shell fish upon any ground in the county, and within the territory described in the preceding section,

which has not been designated as public ground by the board of shell-fish commissioners and which is not a natural clam or oyster bed, may make application in writing, in which shall be stated as nearly as may be the area, limits and location of the ground desired, to the entry-taker of the county in which the said area for which application is made is situated, for a franchise for the purpose of raising or cultivating shell fish in said grounds, and the said entry-taker having received said application shall proceed as with all other entries as provided in the chapter entitled Grants, except that the warrant to survey and locate the ground or grounds shall be delivered to the engineer appointed by the Secretary of State and not to the county surveyor; and the said engineer shall make such surveys in accordance with the provisions of the chapter entitled Grants, except that it shall not be necessary to employ chainbearers nor to administer oaths to assistants, nor to make surveys, according to the priority of the application or warrant. No entry shall be made to cover any natural oyster or clam bed as defined in this chapter, nor of any land lying more than two miles from the main land or from any island.

Rev. 1905, sec. 2376.

Sec. 44. Grant Issued by Secretary of State; Amount Limited. The Secretary of State, on receipt of the Auditor's certificate as provided in the Chapter on Grants, shall grant to the applicant a written instrument conveying a perpetual franchise for the purpose of raising and cultivating shell fish in and to the grounds for which application is made; and the said written instrument of conveyance shall be authenticated by the Governor, countersigned by the Secretary, and recorded in his office. The date of the application for the franchise and description of the ground for which such franchise was granted shall be inserted in each instrument, and no grant shall issue except in accordance with a certificate from the engineer appointed by the Secretary of State as to the area, limits and location of the grounds in which the said franchise is to be granted, and every person obtaining such grant or franchise shall, within three months from the receipt of the same, record said written instrument in the office of the register of deeds for the county wherein the said grounds may lie and shall define the boundaries of the said grounds by suitable stakes, buoys, ranges or monuments; but no franchise shall be given in or to any of the public grounds as determined by the commissioners of fisheries, or to any natural oyster or clam bed, and all franchises granted under this section or any previous law shall be and remain in the grantee, his heirs and legal representatives: Provided, that the holder or holders shall make in good faith within five years from the day of obtaining said franchise an actual effort to raise and cultivate shell fish on said grounds. No grant shall be made to any one person of more than ten acres of any territory, and no person shall hold more than ten acres in any creek unless the same shall be acquired through devise, inheritance or marriage.

Rev. 1905, sec. 2378.

Sec. 45. Price for Franchise. Not less than seventy-five cents per acre shall be paid to the State Treasurer for all franchises granted, and in all other respects as to protests of entry and the right of the Secretary of State to sell any one else at an increased price the chapter on Grants shall apply.

Rev. 1905, sec. 2379.

Sec. 46. Subject of Taxation. All grounds taken up or held for the purpose of cultivating shell fish shall be subject to taxation as real estate, and shall be so considered in the settlement of the estates of deceased or insolvent persons.

Rev. 1905, sec. 2380.

Sec. 47. Record of Grants by Secretary of State. The Secretary of State shall keep books of record in which shall be recorded a full description of all grounds granted under the provisions of this chapter, and shall keep a map or maps upon which shall be shown the positions and limits of all public and private grounds.

Rev. 1905, sec. 2381.

c. Leases.

Sec. 48. Fisheries Commissioner Can Lease. The fisheries commissioner shall have power to lease to any duly qualified person, firm or corporation, for purposes of oyster or clam culture, any bottom of the waters of the State not a natural oyster bed, as defined in this act, nor a clam reservation, as defined in this act, in accordance with the provisions of this law.

1909, ch. 871, sec. 1.

Sec. 49. Leasing of Bottoms. Any citizen of North Carolina, or firm or corporation organized under the laws of the State and doing business within its limits, shall be granted the privilege of taking up bottoms for purposes of oyster or clam culture, under the provisions of this act, of an area not less than one acre nor more than fifty acres, with the exception of the open waters of Pamlico Sound (and for the purpose of this act open waters of Pamlico Sound shall mean the waters that are outside of two miles of the shore line), in which the minimum limit shall be five acres and the maximum shall be two hundred acres: Provided, that the limit of entry in Core Sound, North River, Newport River, Bogue Sound, and all bays and creeks bordering on these waters, and in Jones Bay, Rose Bay, Abels Bay, Swan Quarter Bay, Middle Bay, Bay River, Deep Bay, Juniper Bay, West and East Bluff bays, Wysocking Bay, Fire Creek, Stumpy Point Bay, Mouse Harbor Bay, Maw Bay, and Broad Creek, tributaries of Pamlico Sound, shall be one acre as a minimum and ten acres as a maximum: Provided further, however, that at the end of one year from the passage of this act the minimum area in Core Sound, North River, Newport River, Bogue Sound and all bays and creeks bordering on these waters, and in Jones Bay, Rose Bay, Abel's Bay, Swan Quarter Bay, Middle Bay, Bay River, Deep Bay, Juniper Bay, West and East Bluff bays, Wysocking Bay, Fire Creek, Stumpy Point Bay, Mouse Harbor Bay, Maw Bay, and Broad Creek, tributaries of Pamlico Sound, shall be one acre and the maximum fifty acres; but no person, firm or corporation or association shall severally or collectively hold any interest in any lease or leases aggregating an area of greater than fifty acres, except in the open waters of Pamlico Sound, where the aggregate area shall be two hundred acres.

1909, ch. 871, sec. 2.

Sec. 50. Lease, How Obtained. Such persons, firms or corporations desiring to avail themselves of the privileges of this act shall make written application, on a form to be prepared by the fisheries commissioner, setting forth

the name and address of the applicant, describing as definitely as may be the location and extent of the bottom for which application is made, and requesting the survey and leasing to the applicant of said bottom. As soon as possible after the application is received, the fisheries commissioner shall cause to be made a survey and map of said bottom, at the expense of the applicant. The fisheries commissioner shall also thoroughly examine said bottoms by sounding and by dragging thereover a chain to detect the presence of natural oysters. Should any natural oysters be found, the commissioner shall cause examination to be made and to ascertain the area and density of oysters on said bottom or bed, to determine whether the same is a natural bed, under the definition contained in this act. He shall be assisted in this examination on tonging ground by an expert tonger, to be appointed by the board of county commissioners of the county in which said bottom or the greater portion thereof is located, and the question as to whether the oyster growth is sufficiently dense to fall within the definition of the natural bed shall be determined by the quantity of oysters which the said expert tonger may be able to take in a specified time; and on dredging ground the commissioner shall be assisted by an expert dredger, appointed by the board of county commissioners of the county in which said bottom or the greater portion thereof is located, and the question as to whether the oyster growth is sufficiently dense to fall within the definition of the natural bed shall be determined by the quantity of oysters which the said expert dredger may be able to take in a specified time. The fisheries commissioner shall require the bodies of bottoms applied for to be as compact as possible, taking into consideration the shape of the body of water and the consistency of the bottom. No application shall be entertained nor lease granted for a piece of bottom within two hundred yards of a known natural bottom, bed, or reef. A deposit of ten dollars will be required of each applicant at the time of making his application, said sum to be credited to the cost of the survey of the bottom applied for.

1909, ch. 871, sec. 3.

Sec. 51. Marking of Leased Bottoms. Immediately upon the completion of the survey and the mapping thereof, and the payment by the applicant of the cost of said survey and map, the fisheries commissioner shall execute to the applicant, upon a form approved by the Attorney-General of the State, a lease for the bottoms applied for. A copy of the lease, map of the survey, and a description of the bottom, defining its position, shall be filed in the office of the fisheries commissioner. After the execution of said lease, the lessee shall have the sole right and use of said bottoms, and all shells, oysters and cultch therein or placed thereon shall be his exclusive property so long as he complies with the provisions of this law. The lessee shall stake off and mark the bottoms leased in the manner prescribed by the fisheries commissioner, and failure to do so within a period of thirty days of an order so to do issued by the commissioner shall subject said lessee to a fine of five dollars per acre for each sixty days default in compliance with said order. The corner stakes, at least, of each lease shall be marked with signs plainly displaying the number of the lease and the name of the lessee. The lessee shall, within two years of the commencement of his lease, have planted upon his holdings a quantity of shells equal to an average of fifty bushels of seed oysters or shells per acre of holdings, and within four years from the commencement of his lease a quantity of oysters or shells equal to an average of not less than one hundred and twenty-five bushels per acre. The oyster

commissioner shall, upon granting any lease, publish a notice of the granting of same in a newspaper of general circulation in the county wherein the bottom leased is located.

1909, ch. 871, sec. 4.

Sec. 52. Terms of Lease; Rental. All leases made under the provisions of this act shall begin upon the issuance of the lease and shall expire on the first day of April of the twentieth year thereafter. The rental shall be at the rate of one dollar per acre for the first ten years and two dollars per acre per year for the next ten years of the lease, payable annually in advance on the first day of April of each year: Provided, that in the open waters of Pamlico Sound (and for the purposes of this act the open waters of Pamlico Sound shall mean the waters that are outside the four miles of the shore line) the rental shall be at the rate of fifty cents per acre per year for the first three years, one dollar per acre per year for the next seven years, two dollars per acre per year for the next ten years of the lease. This rental shall be in lieu of all other taxes and imposts whatever, and shall be considered as all and the only taxation which can be imposed by the State, counties, municipalities, or other subordinate political bodies. The rental for the first year shall be paid in advance, to an amount proportioned to the unexpired part of the year to the first of April next succeeding.

1909, ch. 871, sec. 5.

Sec. 53. Transfer of Lease; Inheritance of. The said lease shall be heritable and transferable, in whole or in part, provided the qualifications of the heirs and transferees are such as are described by this act. Non-residents, acquiring by inheritance or process sale, or persons already holding the maximum area permitted by this act, shall within a period of twelve months from the time of acquisition, dispose of said prohibited or excess of holding to some qualified person, firm or corporation, under penalty of forfeiture. The lease shall be subject to mortgage, pledge, seizure for debt, and the same other transactions as are other property rights in North Carolina. No transfer shall be of effect unless of court record, until entered on the books of the fisheries commissioner.

1909, ch. 871, sec. 6.

Sec. 54. Releasing of Bottoms. The term of each lease granted under the provisions of this act shall be for a period of twenty years from the first day of April preceding the date of granting of said lease. At the expiration of the first lease, the lessee, upon making written application on the prescribed form, shall be entitled to successive leases on the same terms as applied to the last ten years of the first lease, for a period not exceeding ten years each.

1909, ch. 871, sec. 7.

Sec. 55. Forfeiture of Lease. The failure to pay the rental of bottoms leased for each year in advance on or before the first day of April, or within thirty days thereafter, shall ipso facto cancel said lease and shall forfeit to the State the said leased bottoms and all oysters thereon, and upon said forfeiture the fisheries commissioner is hereby authorized to lease the said bottoms to any qualified applicant therefor: Provided, that no forfeiture shall be valid, however, under the provisions of this section, unless there shall have been mailed by the fisheries commissioner to the last address of the lessee upon the books of the commissioner a thirty days notice of the maturity of said rental.

1909, ch. 871, sec. 8.

Sec. 56. Title Secure; Act Not Applicable to New Hanover. If any person, within four months of the publication of the notice of granting of any lease, make claim that a natural oyster bottom, bed or reef exists within the boundaries of said lease, he shall, under oath, state his claim, and request the fisheries commissioner to cancel said lease: Provided, however, that each such claim and petition shall be accompanied by a deposit of twenty-five dollars. No petition unaccompanied by said deposit shall be considered by the commissioner. The fisheries commissioner shall, in person, examine into said claim, and, if the decision should be against the claimant, the deposit of twenty-five dollars shall be forfeited to the State and deposited to the credit of the fisheries commission fund. Should, however, the claim be sustained and a natural bed be found within the boundary of the lease, the said natural bed shall be surveyed and marked with stakes and buoys, at the expense of the lessee, and the said natural bed be thrown open to the public fishery. If no such claim be presented within a period of four months, or if when so presented it fail of substantiation, as provided, the lessee shall thereafter be secure from attack on such account, and his lease shall be incontestable so long as he complies with the other provisions of this act. In each and every such case the decision of the fisheries commissioner shall be subject to review and appeal before a judge of the superior court, who shall render a decision without the aid of a jury, and his decision shall be final. This act shall not apply to New Hanover County.

1909, ch. 871, sec. 9.

New Hanover County. The following acts seem to have been repealed by Acts 1909, ch. 871, except as to New Hanover County, which seems to be under the old law until the same may be changed by the Fisheries Commission Board. I have therefore omitted these acts: Revisal of 1905, secs. 2372, 2373, 2374, 2377, 2382; Acts 1907, ch. 969.

2. Catching Oysters.

a. *In General.*

Sec. 57. Closed Season, Exceptions. If any person shall buy or sell oysters in the shell which have been taken from the public grounds or natural oyster beds of this State between the fifteenth day of April and the fifteenth day of October in any year, he shall be guilty of a misdemeanor and be fined not more than fifty dollars or imprisoned not more than thirty days: Provided, that oysters may be taken with hand tongs from March fifteenth to May first and with dredges from March fifteenth to April fifth, in any year, to be used for planting on private grounds entered and held under the laws of this State, upon the condition further that they shall not be removed from said private grounds within a period of three months from time of planting: Provided further, that oysters may be taken with hand tongs, only for home consumption: Provided further, that coon oysters may be taken from November first to May first of each year in the waters of Onslow and Carteret counties.

1907, ch. 969, sec. 4; 1913, ch. 85; 1915, ch. 120.

For New Hanover, Onslow, and Pender, see *Infra*, sec. 78.

Sec. 58. Night and Sunday, Unlawful. If any person shall catch or take any oysters from any of the public grounds or natural oyster beds of the State at night or on Sunday, he shall be guilty of a misdemeanor and be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Rev. 1905, sec. 2384.

Sec. 59. Unloading on Sunday or at Night. If any person shall unload any oysters from any boat, vessel or cart at any factory or house for shipping, shucking or canning oysters on Sunday, or after sunset or before sunrise, he shall be guilty of a misdemeanor and be fined not more than fifty dollars or imprisoned not more than thirty days: Provided, whenever any boat or vessel shall have partially unloaded or discharged its cargo before sunset, the remainder of said load or cargo may be discharged in the presence of an inspector.

Rev. 1905, sec. 2394.

Sec. 60. Dealers to Keep Records. All persons engaged in buying, packing, canning, shucking or shipping oysters shall keep a permanent record of all oysters either bought or caught by them, or by persons for them, when and from whom bought, the number of bushels and the price paid therefor. All these records shall at all times be open to the examination and inspection of the fisheries commissioner, assistant commissioner, and inspector, and upon request shall be verified by the parties making them.

Rev. 1905, sec. 2418.

Sec. 61. Dealer Failing to Keep Record. If any person engaged in buying, packing, canning, shucking or shipping oysters, taken or caught from the public grounds or natural oyster beds of the State, shall fail to keep a permanent record of all oysters bought by him or caught by him, or by persons for him, when and from whom bought, the number of bushels and the price paid therefor, or shall fail upon demand to exhibit such record as required by law, or shall fail to verify the same, he shall be guilty of a misdemeanor and be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Rev. 1905, sec. 2396; 1915, ch. 136, sec. 2.

Sec. 62. Arrest Without Warrant. The fisheries commissioner, assistant commissioner, and inspector shall have power with or without warrant to arrest any person violating any of the oyster laws.

Rev. 1905, sec. 2398.

Sec. 63. Oyster Measure. All oysters measured in the shell shall be measured in a circular tub with straight sides and straight, solid bottom, with holes in the bottom not more than one-half inch in diameter. The said measure shall have the following dimensions: A bushel tub shall measure eighteen inches from inside to inside across the top, sixteen inches from inside to inside chimb to the bottom, and twenty-one inches diagonal from inside chimb to top. All measures found in the possession of any dealer not meeting the requirements of this section shall be destroyed by the fisheries commissioner, assistant commissioner, or inspector. That any person using an unlawful measure for the sale or purchase of oysters shall be guilty of a misdemeanor.

Rev. 1905, sec. 2417; 1907, ch. 969, sec. 10; Spec. Ses. 1913, ch. 42, sec. 2.

For New Hanover, Onslow, and Pender, see *Infra*, sec. 79.

Sec. 64. Using Illegal Measures. If any person shall in buying or selling oysters use any measure other than that prescribed by law for the measurement of oysters, or if any dealer in oysters shall have in his possession any measure for measuring oysters other than that prescribed by law, he shall be guilty of a misdemeanor and be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Rev. 1905, sec. 2399.

Sec. 65. Larceny from Private Beds. Any person who shall feloniously take, catch or capture or carry away any shell fish from the bed or ground of another shall be guilty of larceny and punished accordingly.

Rev. 1905, sec. 2401.

Sec. 66. Injury to Private Beds; Work at Night. If any person shall willfully commit any trespass or injury with any instrument or implement upon any ground upon which shell fish are being raised or cultivated, or shall remove, destroy or deface any mark or monument lawfully set up for the purpose of marking any grounds, or who shall work on any oyster ground at night, he shall be guilty of a misdemeanor. But nothing in the provisions of this section shall be construed as authorizing interference with the capture of migratory fishes or free navigation or the right to use on any private grounds any method or implement for the taking, growing or cultivation of shell fish.

Rev. 1905, sec. 2402.

Sec. 67. Dredging, When Allowed; Prohibited Territory. Any bona fide resident of the State duly licensed according to law and using a licensed boat or vessel may use scoops, scrapes or dredges in catching or taking oysters from the fifteenth day of November in each year to the first day of April following, from the public grounds and natural oyster beds in the broad open waters of Pamlico Sound, Pamlico River, Neuse River, and Long Shoal River, except in those portions of said sound and rivers in which the use of such instruments and implements is prohibited as herein provided. No person shall use any implement or instrument except hand tongs in catching oysters in any bay, river, creek, strait, or any tributary of such which border upon or empty into Pamlico Sound, Pamlico River, or Long Shoal River, except as hereinafter provided; and any point inside of a line drawn from the farthest or extreme outward point of land or marsh on the one side to the farthest or extreme outward point of land or marsh on the opposite side of any creek, strait or bay, shall be construed to be within the said creek, strait or bay for the purpose of this section. Nor shall any person use any implement or instrument except hand tongs in the waters of Pamlico Sound from what is known as the Reef or Reefs in the eastern portion of said sound to the line of banks bordering its eastern shores; nor along the shores of Pamlico County inside of a line beginning at Maw Point and running to the west end of Brant Island, thence to Pamlico Point; nor in the waters of Pamlico Sound north of a line running from Long Shoal light to Gull Shoal life-saving station, from the first day of February of each year to the fifteenth day of November, nor in any of the waters of Carteret County. And for the purpose of this section, the northern boundary of said county shall be a line extending from Swan Point to Harbor Island light, thence a line to Southwest Straddle light, thence a line to Northwest Point light, thence a line to the middle of Ocracoke Inlet; nor in the waters of Neuse River above a line in said river running from Carbacon buoy to the western point of land at Pierces Creek.

Rev. 1905, sec. 2413.

Sec. 68. Dredges, Scoops, Etc., Illegal Use of. If any person shall use any scoops, scrapes or dredges for catching oysters except at the times and in the places in this chapter expressly authorized, or shall between the fifth day of April and the fifteenth day of November of any year carry on any boat

or vessel any scoops, scrapes, dredges or winders, such as are usually or can be used for taking oysters, he shall be guilty of a misdemeanor.

Rev. 1905, sec. 2385.

Sec. 69. Evidence of Illegal Dredging. If any boat or vessel shall be seen sailing on any of the waters of this State during the season when the dredging of oysters is prohibited by law in the same manner in which they sail to take or catch oysters with scoops, scrapes or dredges, the said boat or vessel shall be pursued by any officer authorized to make arrests, and if said boat or vessel apprehended by said officer shall be found to have on board any wet oysters or the scoops, scrapes, dredges or lines, or deck wet, indicating the taking or catching of oysters at said time, and properly equipped for catching or taking oysters with scoops, scrapes or dredges, such facts shall be prima facie evidence that said boat or vessel has been used in violation of the provisions of the law prohibiting the taking or catching of oysters with scoops, scrapes or dredges in prohibited territory, or at a season when the taking or catching of oysters with scoops, scrapes or dredges is prohibited by law, as the case may be.

Rev. 1905, sec. 2397.

Sec. 70. Oysters Culled; Size Limit. All oysters taken from the public grounds of this State, with whatsoever instrument or implement, shall be culled and all oysters whose shells measure less than two and one-half inches in longest diameter, except such as are attached to a large oyster and can not be removed without destroying the small oyster, and all shells taken with the said oysters, shall be returned to the public ground when and where taken, and no oysters shall be allowed by the inspectors to be marketed which shall consist of more than ten per cent of such small oysters and shells, except "coon" oysters and oysters largely covered with mussels: Provided, these musseled oysters must not contain more than five per cent of shells or small oysters under regulation size.

Rev. 1905, sec. 2415; 1907, ch. 969, sec. 8; Spec. Ses. 1913, ch. 42, sec. 1.

For New Hanover, Onslow, and Pender, see *Infra*, sec. 80.

Sec. 71. Selling Oysters Not Culled. If any person shall sell or offer for sale, transport or offer to transport out of the State, or from one point in the State to another, or have in his possession any oysters, which have not been properly culled according to law, he shall be guilty of a misdemeanor and be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Rev. 1905, sec. 2392.

Sec. 72. Purchase Oysters Not Culled by Boat Captain; Evidence, Proviso. That the captain of any run or buy boat who shall purchase oysters which have not been properly culled according to law shall upon conviction be fined two hundred dollars or imprisoned in the discretion of the court, and the having of uncultured oysters aboard of his boat shall be prima facie evidence of his having purchased them. It shall be unlawful for any person, firm or corporation to purchase oysters which have not been properly culled according to law, and for each violation shall upon conviction be fined two hundred dollars or imprisoned in the discretion of the court: Provided, that when any person, firm or corporation shall furnish the captain of any run or buy boat with funds with which to purchase oysters, they shall not be held

responsible for his acts and shall not be deemed the purchaser of such oysters.

New Hanover, Onslow and Pender excepted from this act.

1907, ch. 969, sec. 5.

Sec. 73. Oysters Not Culled Put on Public Grounds. Whenever oysters are offered for sale or loaded upon any vessel, car or train, without having been properly culled according to law, the commissioner, assistant commissioner, or inspector shall seize the boat, vessel, car or train containing the same and shall cause the said oysters to be scattered upon the public grounds, and the costs and expenses of said seizure and transportation shall be a prior lien to all liens on said boat, vessel, car or train, and if not paid on demand the officers making the seizure shall, after advertisement for twenty days, sell the same and make title to the purchaser, and after paying expenses as aforesaid pay the balance, if any, into the oyster fund. For the towing of said boat, a charge of three dollars and fifty cents (\$3.50) per hour shall be charged against said boat for towage.

Rev. 1905, sec. 2416; 1907, ch. 969, sec. 9.

For New Hanover, Onslow, and Pender, see *Infra*, sec. 81.

Sec. 74. Shells Scattered on Oyster Beds. The fisheries commissioner is hereby empowered to expend one-half of the balance to the credit of the oyster fund on the fifteenth day of April in each year for the purpose of buying oyster shells and scattering the same on the natural oyster grounds of the State during the months of April and May.

Rev. 1905, sec. 2421.

Sec. 75. Catching Oysters for Lime. If any person shall take or catch any live oysters to be burned for lime or for any agricultural or mechanical purpose, he shall be guilty of a misdemeanor and be fined not exceeding fifty dollars or imprisoned not exceeding thirty days: Provided, that shells may be taken which do not contain more than five per cent of live oysters.

Rev. 1905, sec. 2400; 1907, ch. 969, sec. 12.

For New Hanover, Onslow, and Pender, see *Infra*, sec. 82.

Sec. 76. Vessels With Oysters go Through Canals, When. No boat or vessel loaded with oysters shall be permitted by the inspectors of South Mills and Coinjock to pass through the canals, which do not have a certificate showing that the cargo has been inspected and the tax paid thereon.

Rev. 1905, sec. 2420.

Sec. 77. False Number on Boat. If any person shall display any other number on their sail than the one specified in their license, or display a number when the boat or vessel has not been licensed, he shall be guilty of a misdemeanor and shall be fined not less than twenty-five dollars.

Rev. 1905, sec. 2388.

b. Local.

New Hanover, Onslow, and Pender. 1907, ch. 969, does not apply, but the following is still the law in these counties:

Sec. 78. Closed Season; Exceptions. If any person shall buy or sell oysters in the shell which have been taken from the public grounds or natural

oyster beds of this State between the first day of April and the first day of October in any year, he shall be guilty of a misdemeanor and be fined not more than fifty dollars or imprisoned not more than thirty days: Provided, that oysters may be taken with hand tongs only during the month of April in any year, to be used for planting on private grounds, entered and held under the laws of this State: Provided further, that oysters may be taken with hand tongs only for home consumption: Provided further, that coon oysters may be taken from October first to May first of each year in the waters of Onslow County: Provided, also, that it shall be lawful to take or catch oysters on public oyster grounds north of the line running from Point Peter to Duck Island, except between a line running from the east end of Hog Island to the beach and from Ballast Point to the beach in Dare County, to be sold to residents or non-residents, from April first to May fifteenth of each year, upon the payment by the purchaser of a tax of one and one-half cents per tub.

Rev. 1905, sec. 2383.

Sec. 79. Oyster Measure. All oysters measured in the shell shall be measured in a circular tub with straight sides and straight, solid bottom, with holes in the bottom not more than one-half inch in diameter. The said measure shall have the following dimensions: A bushel tub shall measure eighteen inches from inside to inside across the top, sixteen inches from inside to inside chimb to the bottom and twenty-one inches diagonal from inside chimb to top. All measures used for buying or selling oysters shall have a brand, to be adopted by the fisheries commissioner, stamped therein by said commissioner, assistant commissioner, or his lawful inspectors. All measures found in the possession of any dealer not meeting the requirements of this section shall be destroyed by said fisheries commissioner, assistant commissioner, or inspector.

Rev. 1905, sec. 2417.

Sec. 80. Oysters Culled; Size Limit. All oysters taken from the public grounds of this State, with whatsoever instrument or implement, shall be culled and all oysters whose shells measure less than two and one-half inches from hinge to mouth, except such as are attached to a large oyster and can not be removed without destroying the small oyster, and all shells taken with the said oysters shall be returned to the public ground when and where taken, and no oyster shall be allowed by the inspectors to be marketed which shall consist of more than ten per cent of such small oysters and shells, except "coon" oysters and oysters largely covered with mussels: Provided, these musselled oysters must not contain more than five per cent of shells or small oysters under regulation size.

Rev. 1905, sec. 2415.

Sec. 81. Oysters Not Culled Put on Public Ground. Whenever oysters are offered for sale or loaded upon any vessel, car or train, without having been properly culled according to law, the commissioner, assistant commissioner or inspector shall seize the boat, vessel, car or train containing the same, and shall cause the said oysters to be scattered upon the public grounds, and the costs and expenses of said seizure and transportation shall be a prior lien to all liens on said boat, vessel, car or train, and if not paid on demand the officers making the seizure shall, after advertisement for twenty days, sell the

same and make title to the purchaser, and after paying expenses as aforesaid pay the balance, if any, into the oyster fund.

Rev. 1905, sec. 2416.

Sec. 82. Catching Oysters for Lime. If any person shall take or catch any live oysters to be burned for lime or for any agricultural or mechanical purpose, he shall be guilty of a misdemeanor and be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Rev. 1905, sec. 2400.

Sec. 83. Oysters Carried Out of State, Where Loaded. If any person shall purchase and load on any vessel or boat any oysters to be carried out of the State in the shell, except at the following places, to wit: The south end of Roanoke Island, Stumpy Point Bay, Parched Corn Bay, Wysocking Bay, West Bluff Bay, Great Island Narrows or Swan Quarter Bay (as the fisheries commissioner may determine), Portsmouth, Ocracoke, Bay River, mouth of Rose Bay or Harbor Island; or if any person shall load more than one boat or vessel at any of said places at one and the same time, or if any person shall load any boat or vessel with oysters to be carried out of the State without such vessel having an inspector on board at the time the oysters are delivered, or shall carry any vessel loaded or partly loaded with oysters through the canals without a certificate showing that the oysters have been inspected and the taxes thereon paid, he shall be guilty of a misdemeanor and be fined not more than fifty dollars or imprisoned not more than thirty days.

Rev. 1905, sec. 2393.

Brunswick. (See also, sec. 167.)

Sec. 84. Fire on Oyster Beds; Raking. That it will be unlawful for any person or persons to build a fire upon any natural oyster bed or rock at a place where oysters are in a state of growth. That it shall be unlawful for any person or persons to rake with clam rake any oyster bed or oyster rock. That any person violating the provisions of this act shall be guilty of a misdemeanor, and shall be fined not exceeding fifty (\$50) dollars, or imprisoned not exceeding thirty days.

1915, ch. 138.

New Hanover. (See also, secs. 78-83, inclusive.)

Sec. 85. Myrtle Grove Sound, Catching Oysters, When. If any person shall take or catch any oysters from Myrtle Grove Sound, from Perrines or Whitakers Creek to the headwaters of said sound in New Hanover County, from the first day of May until the first day of September, except for his own consumption, he shall be guilty of a misdemeanor, and fined not more than fifty dollars or imprisoned not more than twenty days.

Rev. 1905, sec. 2426.

Onslow. (See also, secs. 78-83, inclusive.)

Sec. 86. Shell Fish, Taken When, Where, and How. (Act 1901, ch. 370, repealed.)

That chapter three hundred and seventy of the Public Laws of one thousand nine hundred and one be and the same is hereby repealed.

That it shall be unlawful for any person to take or catch any oysters or clams from the natural oyster beds heretofore staked off and defined by the shell fish commissioners of Onslow County, or from any ground, between the

first days of April and October of each year, lying north of the following lines, to wit: Beginning at triangulation point "Mount Millow," on the western shore of New River, and running thence eastwardly to triangulation point "pond," the eastern shore of New River.

That it shall be unlawful for any person during the months of May, June and July of each year to take or catch oysters or clams from the natural oyster beds within the grounds lying south of the line mentioned above.

That any person violating this act shall be guilty of a misdemeanor, and upon conviction or confession in open court shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

That it shall be the duty of the fisheries commissioners to keep the lines marking the natural oyster beds in said waters properly marked and staked off.

1907, ch. 949.

Sec. 87. Stump Sound, Closed Season, Except for Home Consumption, When. That it shall be unlawful for any person, firm or corporation to catch, take or carry away from the oyster beds in the waters of Stump Sound, in Onslow County, between Alligator Bay and the Pender County line, any oysters except for home consumption between the first day of March and the twenty-fifth day of October in any year. That any person, firm or corporation violating any provision of this act shall, upon conviction, be fined not less than fifty dollars or imprisoned not less than thirty days, in the discretion of the court.

1915, ch. 130.

Pender. (See secs. 78-83, inclusive.)

Pamlico Sound.

Sec. 88. Pamlico Sound, Unlawful to Dredge for Oysters in. That it shall be unlawful for any person to use any rakes, scrapes, scoops or dredges, or any other instrument or implement other than ordinary hand tongs, for the purpose of taking or catching oysters from the public oyster grounds or natural oyster beds in any of the waters of Pamlico Sound or its tributaries north of a line running from West Bluff Bay to the center of Ocracoke Inlet. Any person found guilty of the violation of this act shall be punished by a fine not less than twenty-five dollars or imprisoned not less than thirty days.

1909, ch. 559.

3. Catching Clams.

Sec. 89. Brunswick, New Hanover, and Pender, Clams Protected. That it shall be unlawful for any person, firm or corporation to take clams in the counties of Brunswick, New Hanover or Pender, from any of the waters thereof, for the purpose of bedding for market or for shipment from the said counties, from the twenty-fifth day of March to the fifteenth day of December of each year: Provided, however, that citizens of the said counties shall have the privilege at all times of the year to catch clams for selling in any of the said counties, in small quantities, for table use only.

That it shall be unlawful for any person, firm or corporation to purchase clams in the counties of Brunswick, New Hanover or Pender for the purpose of shipping from said counties, or for any person, firm or corporation to

ship from the said counties of Brunswick, New Hanover or Pender any clams at any times from the twenty-fifth day of March to the fifteenth day of December of every year.

That any person, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined for each offense not exceeding fifty dollars or imprisoned not more than thirty days, in the discretion of the court.

1909, ch. 879.

Brunswick Only.

That section two, chapter eight hundred and seventy-nine, Public Laws of one thousand nine hundred and nine, be amended, so far as it relates to Brunswick County, by striking out "twenty-fifth day of March to the fifteenth day of December" and adding in lieu thereof "first day of March to the first day of November." That it shall be unlawful for any person or persons to catch any clams for use or for sale under one and one-half inches in diameter in the waters of Brunswick County; and upon conviction shall be guilty of a misdemeanor.

1913 Pub. Loc., ch. 805.

New Hanover. (See also, sec. 89.)

Sec. 90. Masonboro Sound, Clam Fishing in. That it shall be unlawful for any person or persons to use any rake or other instrument with more than two prongs for the purpose of taking clams from any natural oyster rock or the other waters of Masonboro Sound, in the county of New Hanover, between what is known as Fowler's Landing to Cackle Shell Point, in said county, a distance of about one mile. That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

1909, ch. 521.

Onslow.

Sec. 91. Browns Sound and Queens Creek, Clams Protected. That it shall be unlawful for any person, firm or corporation to catch or take any clams from the waters herein described between the first day of April and the first day of October. Said territory shall be as follows: Beginning at the mouth of Queens Creek, in Onslow County, and running the various courses of the said Queens Creek channel to Bogue Inlet, including all the waters south of said channel to the Horse Ford, between Brown Sound and New River: Provided, this act shall not be so construed as to prohibit any one from catching clams for their own table use only. That any person, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

1909, ch. 514.

Newport River.

Sec. 92. Newport River; Clams, Closed Season. That it shall be unlawful for any person or persons, firm or corporation, between the fifteenth day of April and the fifteenth day of October of any year, to take any clams from the waters of Newport River and its tributaries, for the purpose of shipping, selling, marketing or bedding the same. Any person or persons, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor,

and upon conviction shall be fined not less than ten dollars (\$10) for each offense, or imprisoned not exceeding thirty days, or both, in the discretion of the court.

1907, ch. 840.

Pender. (See sec. 89.)

V. TERRAPIN

Sec. 93. Drag Nets by Non-residents Prohibited. If any person who is not a citizen and who has not resided in the State continuously for the preceding two years shall use any drag net or other instrument for catching terrapin he shall be guilty of a misdemeanor.

Rev. 1905, sec. 2369.

Sec. 94. Diamond-back Protected. If any person shall take or catch any diamond-back terrapin between the fifteenth day of April and the fifteenth day of August of any year, or any diamond-back terrapin at any time, of less size than five inches in length upon the bottom shell, or shall interfere with, or in any manner destroy any eggs of the diamond-back terrapin, he shall be guilty of a misdemeanor, and shall be fined not less than five dollars, nor more than ten dollars, for each and every diamond-back terrapin so taken or caught, and a like sum for each and every egg interfered with or destroyed: Provided, this section shall not apply to parties empowered by this State to propagate the said diamond-back terrapin; and the possession of any diamond-back terrapin between the fifteenth days of April and August shall be prima facie evidence that the person having the same has violated this section. It shall be the duty of all sheriffs and constables to give immediate information to some justice of the peace of any violation of this section.

Rev. 1905, sec. 2370.

Carteret County.

Sec. 95. Diamond-back Terrapin. That any bona fide citizen of Carteret County, North Carolina, is hereby given permission and empowered to cultivate and propagate the diamond-back terrapin at one place in the waters of Carteret County, North Carolina: Provided, that the said person or persons thus empowered to propagate said diamond-back terrapin shall not in any way at any time interfere with eggs laid by the wild diamond-back terrapin in its natural haunts: Provided further, that after January first, nineteen hundred and fifteen, no undersized terrapin shall be caught or taken for propagation or for any other purpose during the closed season prescribed by law in regard to catching terrapin.

That for and in consideration of the privilege granted by the State of North Carolina to the said person or persons to propagate the diamond-back terrapin, the said person and persons, in order to obtain the benefits of this act, begin and continue the cultivation and propagation of the diamond-back terrapin in a manner that is considered and declared feasible and practicable by the United States Bureau of Fisheries: Provided, that if at any time the said person or persons shall violate any of the laws of the State of North Carolina regarding the diamond-back terrapin in the waters thereof, then this permit shall become void and the said person or persons shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned, in the discretion of the court.

Priv. Laws 1913, ch. 402; Spec. Ses. 1915, Pub. Loc., ch. 58.

VI. FISHING

1. In General.
2. General Local Laws.
3. Local Laws (Commercial Fishing).
 - a. Counties.
 - b. Localities.
4. Local Laws (Non-commercial Fishing).
 - a. Counties.
 - b. Localities.

1. In General.

- a. Fisheries.
- b. Non-residents.
- c. Explosives, Poisons, Obstructions, and Sunday Fishing.
- d. Nets and Stakes.
- e. Measure for Scrap.

a. Fisheries.

Sec. 96. **Private Fishery, Right to.** Whenever any person shall acquire title to lands covered by navigable water under the chapter entitled Grants, the owner or person so acquiring title shall have the right to establish fisheries upon said lands; and whenever the owners of such lands shall improve the same by clearing off and cutting therefrom logs, roots, stumps or other obstruction, so that the said land may be used for the purpose of drawing or hauling nets or seines thereon for the purpose of taking or catching fish, then and in that case the person who makes or causes to be made the said improvements, his heirs and assigns, shall have prior right to the use of the land so improved, in drawing, hauling, drifting or setting nets or seines thereon, and it shall be unlawful for any person, without the consent of such owner, to draw or haul nets or seines upon the land so improved by the owner thereof for the purpose of drawing or hauling nets or seines thereon; and this section shall apply where the owner of such lands shall erect platforms or structures of any kind thereon to be used in fishing with nets and seines; and every person who shall willfully destroy or injure the said platform or structures, or shall interfere with or molest the owner in the use of such lands as aforesaid, or in any other manner shall violate this section, shall be guilty of a misdemeanor: Provided, this section shall not be so construed as to relieve any person from punishment for the obstruction of navigation.

Rev. 1905, sec. 2460.

Sec. 97. **Fisheries, Injury to.** If any person shall willfully destroy or injure any platform or structure on any land covered by navigable waters, which land has been duly entered and granted and over which the owner has, according to law, acquired a prior right of fishery, or shall interfere with or molest the owner in the use thereof or of said prior right of fishery, he shall be guilty of a misdemeanor.

If any person shall willfully destroy or injure any platform or structure erected in any navigable water by the owner of the adjoining land for the purpose of drawing or hauling nets or seines thereon, or shall interfere with

or molest the owner in the use of any such lands, he shall be guilty of a misdemeanor.

Rev. 1905, secs. 3414, 3415.

b. Non-residents.

Sec. 98. Non-residents Prohibited from Using Seines; Exception. If any person who has not resided in the State continuously for at least twelve months next preceding the day on which he shall begin to take fish shall use, or cause to be used, in any of the waters of the State, any weir, hedge, net or seine, for the purpose of taking fish for sale or exportation, or if any person shall assist in using, or be interested in using or causing to be used, in any such waters for the purpose aforesaid, any weir, hedge, net, seine or tongs in the use of which any such non-resident person may have an interest, he shall be guilty of a misdemeanor. Nothing herein shall prevent any person from fishing with seines hauled to the shore at any fishery, the title to which fishery or any interest therein having been acquired by such person by purchase or inheritance. This section shall not extend to servants employed to fish by any persons allowed to fish in the navigable waters of the State: Provided, no non-resident of the State shall make any sale, assignment or transfer of any fishery, weir, or other fishing apparatus, or privilege mentioned in this section, to any citizen of the State for the purpose of operating and working said fishery, weir, or other fishing apparatus as aforesaid, under the name and ownership of such citizen, or as the servant or employee of any citizen; and any sale, transfer or assignment not made bona fide and for a full consideration shall be null and void. Upon affidavit founded upon information and belief that any non-resident of the State is operating any such fishery, weir or other fishing apparatus as aforesaid in the waters of the State, under such sale, assignment or transfer, as the pretended servant or employee of any citizen of the State, it shall be the duty of the justice of the peace before whom said affidavit is made, to issue a warrant against the said non-resident and citizen under whose name said fishery is operated, and upon conviction the said offenders shall be guilty of a misdemeanor, and shall, for every offense, be fined not more than fifty dollars, or imprisoned not more than thirty days. Upon the said trial, the burden of proof shall be on the defendants to prove the bona fides and full consideration of said sale or transfer.

Rev. 1905, sec. 2467.

Sec. 99. Non-residents Forbidden to Fish for Menhaden. That it shall be unlawful for any person, persons, firm or corporation, not a citizen or resident of the State of North Carolina, to catch, capture or otherwise take any menhaden or fatbacks within the waters of the State of North Carolina to the extreme limits of the State's jurisdiction in and over said waters; and for the purpose of this act the following boundaries are hereby declared to be the boundaries to which the waters of the said State extend, to wit: A distance of three (3) nautical miles, measured from the outer beach or shores of the State of North Carolina out and into the waters of the Atlantic Ocean; and any portions or portion of any water within a distance of three (3) nautical miles from said waters of the Atlantic Ocean to any beach or shore of said State shall be deemed, for the purposes of this act, within the waters of said State: Provided, that any citizen or resident of the State of North Carolina, whether person, firm or corporation, may take, capture or catch any menhaden or fatbacks at any time, subject to existing laws.

That it shall be unlawful for any non-resident person, persons, firm or corporation to knowingly buy, cook or manufacture into fertilizer any menhaden or fatbacks caught, taken or captured contrary to the provisions of this act.

That any person, persons, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction in any county opposite the place at which said act is done, shall be fined not less than twenty-five hundred dollars (\$2,500) or imprisoned for two years, or both, in the discretion of the court: Provided, that each catch, or taking, or purchase, or act of manufacture, shall constitute a distinct and separate offense.

That it shall be the duty of the fisheries commissioner or assistant commissioner, whenever an affidavit is delivered to him stating that the affiant is informed and believes that said act is being violated at any particular place, to go himself or send a duly authorized deputy to such place, investigate the same, and such officer shall seize and remove all nets, machinery or other appliances and paraphernalia setting or being used in violation of this act, sell same at public auction, and apply the proceeds of such sale to the payment of costs and expenses of such removal, and pay any balance remaining into the school fund of the county nearest to the place where the offense is committed.

1911, ch. 102.

c. Explosives and Poisons, Obstructions and Sunday Fishing.

Sec. 100. Explosives, Drugs, and Poisons Forbidden. It shall be unlawful to place in any of the waters of this State any dynamite, giant or electric powder, or any explosive substance whatever, or any drug or poisoned bait, for the purpose of taking, killing or injuring fish. And any one violating this section shall, upon conviction, be fined not less than one hundred dollars and imprisoned not less than thirty days.

1915, ch. 84, sec. 19.

Sec. 101. Explosives for Killing Fish Prohibited; Evidence. The possession of fish killed by explosive agencies shall be prima facie evidence that explosives were used for the purpose of killing fish.

Rev. 1905, sec. 2466; 1911, ch. 170.

Sec. 102. Discharge of Deleterious Matter Into Waters, Forbidden. It shall be unlawful to discharge or to cause or permit to be discharged into the waters of the State any deleterious or poisonous substance or substances inimical to the fishes inhabiting the said waters; and any person, persons or corporation violating the provisions of this section shall be guilty of a misdemeanor, and, upon conviction, be fined or imprisoned in the discretion of the court: Provided, this section shall not apply to corporations chartered either by general law or special act before the ratification of this act.

1915, ch. 84, sec. 20.

Sec. 103. Poisoning Streams Forbidden. If any person shall put any poisonous substance for the purpose of catching, killing or driving off any fish in any of the waters of a creek or river, he shall be guilty of a misdemeanor.

Rev. 1905, sec. 3417.

Sec. 104. Fish Offal in Navigable Waters Prohibited. If any person shall throw, or cause to be thrown, into the channel of any of the navigable waters

of the State, any fish offal, in any quantity that shall be likely to hinder or prevent the passage of fish along such channel, or if any person shall throw or cause to be thrown into the waters known as the Frying Pan, tributary to the Great Alligator River, in Tyrrell County, any fish offal in any quantities whatsoever, he shall be guilty of a misdemeanor.

Rev. 1905, sec. 2444.

Sec. 105. Streams Obstructed, Misdemeanor. If any person shall set a net of any description across the main channel of any river or creek, or shall erect, so as to extend more than three-fourths of the distance, across any such river or creek any stand, dam, weir, hedge or other obstruction to the passage of fish, or shall erect any stand, dam, weir or hedge in any part of any river or creek that may be left open for the passage of fish, or who, having erected any dam where the same was allowed, and shall not make and keep open such slope or fishway as may be required by law to be kept open for the free passage of fish, he shall be guilty of a misdemeanor.

Rev. 1905, sec. 2457.

Sec. 106. Sunday Fishing. If any person fish on Sunday with a seine, drag net or other kind of net, except such as is fastened to stakes, he shall be guilty of a misdemeanor, and fined not less than two hundred or more than five hundred dollars or imprisoned not more than twelve months.

Rev. 1905, sec. 3841.

d. Nets and Stakes.

Sec. 107. Robbing Nets. If any person shall, without authority of the owner, take any fish from any nets of any kind, he shall be guilty of a misdemeanor.

Rev. 1905, sec. 2478.

Sec. 108. Drift Nets in Sounds, When and Where. If any person shall drift or fish any drift nets between the first day of February and the first day of May of any year, within two miles of the mouth of any river emptying into Albemarle Sound, or within three miles of any seine beach on the Albemarle or Croatan sounds while being fished, or within ten miles of Ocracoke, Hatteras, Oregon or New inlets, or within ten miles of the Roanoke marshes, he shall be guilty of a misdemeanor, and be fined not less than fifty dollars or imprisoned not less than thirty days: Provided, the people of Dare County shall be allowed to use drift nets for herring.

Rev. 1905, sec. 2446.

Sec. 109. Nets in Inlets Prohibited, When. If any person shall set any pound net, dutch net or hedge net within two miles of Oregon Inlet or Hatteras Inlet, or within ten miles of New Inlet in Dare County, North Carolina, or shall between the first day of January and the first day of May following of any year, set or operate any seine or stationary nets of any kind in the main channels within three miles of the inside mouths of Ocracoke, Hatteras, Oregon, or any other inlet north of Ocracoke Inlet, connecting the waters of the Atlantic Ocean with any of the sounds or other inland waters of North Carolina, or shall fish with seines or nets of any description in the waters of Bear Inlet or Browns Inlet, or within one mile of Bear Inlet or Browns Inlet, on the eastern or western beach of said inlets, except at regularly established

fisheries on said Bear or Browns inlet beaches, or shall fish with seines or nets on the inside of said Bear or Browns inlet within one-fourth mile of said inlets between the first day of October and the first day of April, he shall be guilty of a misdemeanor.

Rev. 1905, sec. 2450.

Sec. 110. Menhaden Fishing, Kind of Net and Where; Exceptions. If any person shall catch any menhaden or fatbacks within the waters of the State of North Carolina, to the extreme limits of the State's jurisdiction in and over such waters in any purse net or purse seine with a bar of less than one inch and with a mesh of less than two inches, or shall knowingly cook or manufacture for fertilizer any menhaden or fatbacks caught in any net or seine having bars of less than one inch or having meshes of less than two inches at any place within the State of North Carolina, he shall be guilty of a misdemeanor, and for each and every offense shall be fined not less than five hundred dollars or imprisoned for one year, or both, in the discretion of the court. For the purpose of this section the following boundaries are hereby declared to be the boundaries to which the waters of the said State extend, to wit: A distance of three nautical miles, measured from the outer beach or shores of the State of North Carolina out and into the waters of the Atlantic Ocean; and any portions of any water within a distance of three miles from said waters of the Atlantic Ocean to any beach or shore of said State shall be deemed within the waters of said State for the purposes of this section. This section shall not apply to the counties of Dare, Brunswick, Pender and New Hanover. Every person found fishing for menhaden or fatbacks within three miles of the shore of any county, except the counties of Brunswick, New Hanover and Pender, shall be presumed to have violated this section. And all such persons, firms or corporations shall be subject to all the pains and penalties denounced in this section, and they may be prosecuted in the courts of any county in this State. All persons aiding and abetting shall be guilty as principals.

Rev. 1905, sec. 2438.

Sec. 111. Vessel Injuring Nets. If any master or other person having the management or control of a vessel or boat of any kind, in the navigable waters of the State, shall willfully, wantonly and unnecessarily do injury to any seine or net, which may be lawfully hauled, set or fixed in said waters for the purpose of taking fish, he shall forfeit and pay to the owner of such seine or net, or other person injured by such act, one hundred dollars, and shall be guilty of a misdemeanor.

Rev. 1905, sec. 2465.

Sec. 112. Pamlico, Croatan, Currituck and Albemarle, Net Stakes Removed, When. Every person who shall set or use any net in the waters of Pamlico, Croatan, Currituck or Albemarle sounds or their tributaries, except Perquimans River, shall be required to pull up and remove their net stakes within thirty days from the day the nets were taken from them, and not later than the first day of June, and any person failing to pull up and remove their stakes as required by this section, shall be guilty of a misdemeanor, and fined not more than fifty dollars or imprisoned not more than thirty days.

Rev. 1905, sec. 2448.

e. Measure for Scrap.

Sec. 113. Fish Scrap and Oil, Standard Measure. That for the purpose of uniformity in the trade of manufacturing fish scrap and oil in the State of North Carolina, there is hereby established a standard measure of twenty-two thousand cubic inches for every one thousand fish.

That any person, firm, corporation or syndicate buying or selling menhaden fish for the purpose of manufacture within the borders of this State, who shall measure the fish by any other standard (more or less) than is prescribed in this act, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not to exceed thirty days: Provided, that each day said measure is unlawfully used shall constitute a separate and distinct offense.

1911, ch. 101.

2. General Local Laws.

Sec. 114. Albemarle Sound; Gill Nets Prohibited, Where and How; Nets Confiscated, When. That it shall be unlawful to set, fish or use any gill nets of any description, either stake, anchor or drift, for commercial purposes, in the Albemarle Sound west of a line drawn straight from Batts Island on northern side of Albemarle Sound to mouth of Scuppernong River on south side of said sound, except between the hours of four o'clock and eleven o'clock p. m., and then said nets or combinations of such nets shall not be more than six hundred yards in length and there shall not be allowed to any boat more than six hundred yards of such gill nets,

It shall be the duty of the fish commissioner or other persons entrusted with the enforcement of the fishery laws of the State, to seize and remove any gill net of any description being set, setting or being used in violation of this act, or which is more than six hundred yards in length, and to dispose of the same as provided by law.

It shall be the duty of the fish commissioner to keep a deputy, assistant or inspector on the waters of Albemarle Sound to enforce this act and the other fish laws applicable to official bond liable to the penalty prescribed in section one, chapter eighteen, Public Laws one thousand nine hundred and eleven. (Section 143 of this codification.)

Any person, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two hundred dollars (one-half to go to the informant and the other half to the school fund), or imprisoned in the discretion of the court.

1913, ch. 43.

Sec. 115. Albemarle Sound; Gill Nets, Tyrrell County Shore. That it shall be unlawful for any person, firm or corporation to set or use for catching fish any anchor gill net within fourteen hundred yards of any stake gill net of from four and one-half inch to five and one-half inch mesh, in that part of Albemarle Sound embraced in the following area: Commencing on the east shore of the Scuppernong River where said river empties into the Albemarle Sound, thence north to the middle of the Albemarle Sound, thence along the middle of the Albemarle Sound to a point in the sound opposite Newberry Pier, thence to the shore at Newberry Pier, and along the sound shore to the beginning.

Any person, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or be imprisoned for not more than thirty days.

1915, ch. 112.

Sec. 116. Albemarle Sound, Anchor, Drift or Staked Gill Nets Prohibited.

If any person shall set or fish an anchor, drift or staked gill net in the waters of Albemarle Sound or its tributaries west of a line running from Skinner's Point buoy to Roanoke lighthouse, or if any person shall east of said line set or fish in the waters of said sound or its tributaries any anchor, drift or staked gill net longer than one thousand yards, or combination of such nets longer than one thousand yards; or shall set or fish any anchor, drift or staked gill net within one and one-half miles of any seine grounds on the said sound or rivers emptying therein or within one-half mile of any dutch net stand where the same is now located in said sound or rivers, unless said seine ground or dutch net stand is owned by the person setting such nets; or shall set or fish any line or row of anchor, drift or staked gill nets anywhere in said sound or rivers nearer to any other row of such nets than half the length of the longer of said row, he shall be guilty of a misdemeanor and shall be fined not exceeding one hundred dollars or be imprisoned not more than thirty days. And any person who shall willfully violate the provisions of this section shall forfeit and pay for each violation of the same the sum of one hundred dollars to be recovered in a civil action by any one who will sue therefor; one-half of said recovery shall inure to the benefit of the public school fund: Provided, that nothing in this section shall prevent the setting of gill nets in the Chowan River or its tributaries, above Holliday's Island: Provided further, that one-third of said stream, along the channel, shall be kept free from any class of net: Provided further, that no pound net shall be set within one hundred yards of any other pound net set by another person in the Chowan River, north of Holliday's Island.

Rev. 1905, sec. 2451; 1911, ch. 104.

Sec. 117. Albemarle Sound and Tributaries, Dutch Nets, Etc., in. No person shall set or fish any dutch net or pound net in Roanoke River, Cashie or Middle and Eastmost rivers, or within two miles of the mouth of said rivers, or within one mile of the mouth of any other river emptying into Albemarle Sound, of less than two miles in width at its mouth, and any such net set within one mile of the mouth of any other river emptying into said sound shall not extend into the main channel at its mouth. No person shall set or fish with a dutch net or pod net within half a mile to the eastward or westward of the outside windlasses or snatch-blocks of any seine fishery in operation on said sound; and any such net set or fished within one mile of such windlasses or snatch-blocks of any seine fishery in operation shall run at right angles to the shore and shall not extend further into the sound from the water's edge than the distance from such windlasses or snatch-blocks to the line of such net; and all persons who shall set or fish any such net in said sound shall pull up and remove the stakes used for the same by the first day of June next succeeding the fishing season, and if any person shall set or fish any dutch net or pod net in said sound in violation of this section he shall be guilty of a misdemeanor, and be subject to a penalty of three hundred dollars: Provided, that dutch nets may be used in Cashie River two and one-half miles from its mouth, if they do not extend more than one-third of the width of said river from the shore, and such nets may be along the sound shore on the Bertie County side between the following points along said shore, to wit: Commencing at the mouth of Cherry Tree Cut Branch, Kentrock Field and Landing Field, and running around the shore to the mouth of Morgan Swamp, thence to Rock Spring Branch, and

that any nets set or fished within that line shall not extend from the shore in any direction a greater distance than six hundred and fifty yards measured at high water, and within this distance of six hundred and fifty yards is to be included the nets, hedges and all parts thereof.

Rev. 1905, sec. 2439; 1909, ch. 540, sec. 2; 1911, ch. 23.

Sec. 118. Albemarle Sound; Nets Near Norfolk and Southern Bridge; Nets Near Wharves; Drift Nets in Roanoke River. That it shall be unlawful to set any pound or dutch nets in Albemarle Sound nearer to either side of the Norfolk Southern Railroad bridge across said sound than three hundred yards, or to set any stake, drift or anchor gill nets nearer to either side of said bridge than one-half mile.

That it shall be unlawful to set any net of any description in front of a wharf, that is, between the pier of any wharf now used as a landing for any steamboat and the middle of the stream in which the wharf is built.

That it shall be unlawful to fish any drift nets in the Roanoke River over twenty yards in length, and no net shall drift within three hundred yards of another net, and no two nets shall drift abreast of each other.

Any person violating the provisions of this act shall be guilty of a misdemeanor and fined not less than one hundred dollars or imprisoned in the discretion of the court.

1911, ch. 163.

Sec. 119. Black River, Catch Fish, When. That it shall be unlawful for any person or persons to catch or take fish, either by rod or hook, seines, nets, striking, muddying the pools or lagoons, feeling by hand, gigging, or in any other method or in any manner whatsoever, during the months of May, June, July and August, excepting Tuesday and Friday of each week in each year, in the waters of Black River and its tributaries, in the counties of Pender and Bladen. Any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction fined not less than five dollars (\$5) nor more than ten dollars (\$10), or imprisoned not more than thirty days, one-half of the fine to be paid to the informer and one-half to the school fund.

1909, ch. 478.

Sec. 120. Black River and Mingo Creek, Other Than Hook and Line. If any person shall fish in that part of Black River in Sampson and Cumberland counties and below the Atlantic Coast Line Railway bridge, or in Mingo Creek in said counties below the Averagesboro and Clinton road otherwise than with a hook and line, he shall be guilty of a misdemeanor.

Rev. 1905, sec. 2471.

Sec. 121. Black River, Closed Season in Bladen, Cumberland and Sampson. That it shall be unlawful for any person to catch with hook and line, seine, or destroy with gun or any gig or striking iron the fish in the waters of Black River and its tributaries in the counties of Bladen, Cumberland and Sampson from the fifteenth day of May until the fifteenth day of August in each and every year. Any person violating this act shall be guilty of a misdemeanor and shall be fined not less than ten dollars nor more than twenty-five dollars, or imprisoned in the county jail not more than thirty days, for each and every offense.

Pub. Loc. 1913, ch. 623, sec. 1.

And see *Infra*, b. Localities, sec. 209.

Sec. 122. Cape Fear River, Fishing by Non-residents Prohibited. If any person who is a non-resident of the State shall catch fish, for marketable purposes, in the waters of the Cape Fear River, or any of its tributaries, he shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned at the discretion of the court.

Rev. 1905, sec. 3416.

Sec. 123. Cape Fear and Northeast Rivers, Dutch Nets Prohibited, Etc. That it shall be unlawful to fish with dutch, pod, fyke or other pound nets, or stake or stationary nets, or nets of like kind, in the waters of the Cape Fear River below the mouth of Black River, twelve miles above Wilmington, or in the waters of Northeast River below the Castle Hayne bridge.

That drift nets shall be permitted in the waters of the Cape Fear River within the territory described in this act and its tributaries, between February first and May first of each year.

That any person violating the provisions of this act shall be guilty of a misdemeanor and fined not less than fifty dollars or imprisoned not less than thirty days.

1909, ch. 841; Pub. Loc. 1911, ch. 278.

Sec. 124. Cape Fear River, Seine and Nets in, When, How. If any person shall use any net for catching sturgeon in the waters of New Hanover County, the bars of the meshes of which net shall be less than ten inches in the diamond; or shall haul a seine or nets or pod fish within three hundred yards of any established fishery, except with the nets of such fishery; or shall set or fish any stationary nets in the waters of the Cape Fear River, except on the east side thereof and in New Hanover County; or shall set any net in said river otherwise than east or west, or shall own or control more than one line of nets, or shall operate or fish any shad nets in Cape Fear River below the mouth of Brunswick between the fifteenth day of April and the fifteenth day of January of any year; or shall set any set net or stationary net of any kind in the Cape Fear River north of the mouth of Brunswick River, or in the Brunswick River; or shall operate any drift net in the Cape Fear River of more than three hundred yards in length, or shall catch shad in said river with seines or nets from the twentieth of April to the fifteenth of January, he shall be guilty of a misdemeanor. The possession of a sturgeon net with meshes of a size smaller than allowed by this section shall be prima facie evidence of having fished the same. In setting nets in Cape Fear River as allowed by this section the following rules shall prevail: They shall begin at a point one hundred yards from the edge of the channel on the east side of said river and running thence due east one hundred and twenty yards, then leaving a gap of one hundred and twenty yards. Then from the east end of said gap another net may be set one hundred and twenty yards only, and to continue in the same proportion, always requiring a gap of one hundred and twenty yards to intervene between each one hundred and twenty yards of nets so set and no net or sets of nets of any kind shall be placed opposite said gaps, within a distance of a half mile of same, and none of the nets so set shall be nearer than a half mile of the west shore of said Cape Fear River. Any established fishery in the meaning of this section is one where there is a camp for the use of the hands, and where the seine or nets and boats used by said fishery are kept, and where the said fishery was established prior to the first day of January one thousand eight hundred and ninety-nine. That

any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days, or both, at the discretion of the court.

Rev. 1905, sec. 2468; 1907, ch. 752.

Sec. 125. Cape Fear River, Fish Traps in. If any person shall construct, operate or maintain any fish traps in the Cape Fear River, or shall fail to remove all traps now in the channel of said river within sixty days from the first day of March, one thousand nine hundred and five; or shall fail on the first day of June of each year to remove the slats or fingers from any fish trap allowed to be operated in said river under this section, he shall be guilty of a misdemeanor. This section shall not apply to Brunswick or New Hanover counties or to a fish trap which extends to not more than one-third the channel of said river.

Rev. 1905, sec. 2483.

Sec. 126. Northeast Cape Fear River, Seines, Nets and Traps, When, How. If any person shall fish in the northeast branch of the Cape Fear River with seine, net or trap, from the twenty-third day of February to the first day of July of any year, between the hours of six o'clock p. m. on Saturday and six o'clock p. m. on Monday of each week, or shall at any time use more than one seine at a time in any fishing hole in said river, or use, set or place in said river any hedge, trap or other obstruction which will prevent the free passage of fish up said river, which said hedge, trap or other obstruction shall extend more than one-third across the main channel of the said river, he shall be guilty of a misdemeanor. This section shall not apply to that portion of said river which lies between the city of Wilmington and a point on said river known as the Three Cypresses, twelve miles distant from said city of Wilmington.

Rev. 1905, sec. 2469.

Sec. 127. Croatan Marshes, Weir, Hedge, Net or Seine Prohibited, When. If any person, for the purpose of taking fish, shall, between the first day of February and the first day of May, of the same year, use or cause to be used, at or within half a mile of the marshes separating the waters of Croatan and Pamlico Sounds, any weir, hedge, net or seine, he shall be guilty of a misdemeanor.

Rev. 1905, sec. 2424.

Sec. 128. Currituck Sound, Size of Bar and Mesh. That it shall be unlawful for any person or persons, firm or corporation, to fish in the waters of Currituck Sound with a drag, haul, seine or any other kind of net of whatsoever kind with a bar of less than one and three-eighths ($1\frac{3}{8}$) inches, or a mesh of less than two and three-quarters ($2\frac{3}{4}$) inches. That any person or persons, firm or corporation, violating any of the provisions of this act shall be guilty of a misdemeanor and fined not more than fifty dollars or imprisoned more than thirty days, in the discretion of the court.

1913, ch. 29.

Sec. 129. Goose and Oyster Creeks; Drag Net and Haul Net Unlawful. That it shall be unlawful for any person or persons to fish with a drag or haul net of any description in the waters of Oyster Creek or its tributaries and Goose Creek or its tributaries (said creek being a dividing line between

the counties of Pamlico and Beaufort). Any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor and shall be fined or imprisoned, or both, in the discretion of the court.

1907, ch. 222; Pub. Loc. 1911, ch. 381.

Sec. 130. Little River, Obstruction in. If any person shall place any obstruction in Little River, dividing the counties of Pasquotank and Perquimans, and allow it to remain for a longer time than ten days, he shall be guilty of a misdemeanor, and fined not less than five dollars, nor more than ten dollars: Provided, nothing in this section shall be so construed as to prohibit citizens from fishing with dip nets in said river during the months of March and April in each year.

Rev. 1905, sec. 2443.

Sec. 131. Lumber River; Closed Season for Trapping. That it shall be unlawful for any person to set any trap for the purpose of catching fish in Lumber River or its tributaries in Columbus and Robeson counties, between the first day of April and the first day of September in any year.

Any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty (30) days.

1907, ch. 608.

Sec. 132. Lumber River and Waters of Robeson, Columbus, Hoke and Scotland Counties; Seines, Traps, Giggling, Dynamite, etc., prohibited, Where; Closed Season for Gill Nets; Penalty; Arrest Without Warrant. That it shall be unlawful for any person, firm, or corporation to fish with seine, trap, nets, or by giggling, muddying, striking, dynamiting, shooting, or using lime or other chemicals by which fish may be killed, in Lumber River or any of its tributaries, or other rivers, lakes, ponds, or swamps of Robeson, Columbus, Hoke and Scotland counties: Provided, that gill nets may be set in the waters designated in this act, during six months in each year, beginning with October and ending with March.

That any person, firm, or corporation violating this act shall be guilty of a misdemeanor, and on conviction shall be fined not more than fifty dollars nor less than ten dollars; the fine to be paid to the school fund of the county in which the offense was committed, or imprisoned not more than thirty days nor less than ten days in the county jail, the county commissioners of said counties of Robeson, Columbus, Hoke and Scotland having the privilege of sending the said person or persons so convicted to the chain-gang of their respective counties or to hire them out in case there is no chain-gang.

That the police force of said counties shall have full power and authority to arrest, without warrant, any and all persons violating the provisions of this act.

Pub. Loc. 1915, ch. 358.

Sec. 133. Lumber River, Fishing, When and How. It shall be unlawful for any person to use any seine, net or gig, or, by muddying the water or by shooting, to catch, take or kill fish in the Lumber River by any means except the ordinary rod, line and hook, from the first day of March to the first day of November in each and every year; and any person violating this

section shall be guilty of a misdemeanor, and shall pay a fine of forty dollars, or be imprisoned not more than twenty days.

Rev. 1905, sec. 2475.

Sec. 134. Neuse River, Obstructions in. Any person who shall construct a dam, put in traps, dutch net, wire seine, or anything else in Neuse River between its mouth and the Falls of Neuse in Wake County, for the purpose of obstructing the passage of fish in said river shall be guilty of a misdemeanor and be fined not exceeding fifty dollars or imprisoned not exceeding thirty days: Provided, this section shall not apply to seines, set nets, running or skimming nets: Provided, this section shall not prevent the use of traps in Wayne County, where the trap and its wings do not extend more than one-third across the stream.

Rev. 1905, sec. 2474.

Sec. 135. Neuse River, Dutch Nets, etc., in, Prohibited Where. If any person shall use or cause to be used any dutch net, pound net, or other stationary trap, net, or seine of similar description by whatever name known, in the waters of Neuse River for the purpose of taking fish therefrom, except the ordinary set net in use in said river prior to the first day of January, one thousand eight hundred and ninety-seven, he shall for each day's use thereof as aforesaid forfeit and pay the sum of fifty dollars. The penalties herein created shall be recovered by warrant before any justice of the peace in the county of Carteret, Craven, and Pamlico or Lenoir, and shall be applied to the use of the public schools of said counties, and such offender in addition to the penalties contained in this section shall be guilty of a misdemeanor and shall be fined not less than one hundred dollars, nor more than five hundred, or imprisoned in the county jail not less than six months nor more than twelve months: Provided, that a resident and citizen of the State may fish with dutch, trap or pound nets in the waters of Neuse River on the Pamlico side of said river between the mouth of said river and Upper Broad Creek not more than five hundred yards from the shore.

Rev. 1905, sec. 2453.

Sec. 136. Neuse and Trent Rivers, Stationary, Set or Dutch Nets Prohibited, Where, Penalty. That no person or association of persons shall set or place or cause to be set or placed any stationary, set or dutch nets in either Neuse or Trent rivers above the point where the said Neuse and Trent rivers confluente.

That no person or association of persons or corporation shall set, cause to be set, fish or cause to be fished, use or cause to be used any dutch net, pound net or other stationary trap net or seine of similar description, by whatever name known, in the waters of Neuse River above Wilkinson's Point, on Pamlico side.

That any person or association of persons setting or placing any nets as described in paragraph one of this act, on any day or part of a day, above the point where the said Neuse and Trent rivers confluente, shall be guilty of a misdemeanor.

That any person or association of persons or corporation setting or placing or causing to be set or placed any nets, as described in paragraph two of this act, on any day or part of a day, above Wilkinson's Point, in Neuse River, shall be guilty of a misdemeanor.

That any person or association of persons or corporation violating the provisions of this act shall upon conviction be fined fifty dollars or imprisoned thirty days for each and every violation of this act.

Any party who is the informant against any one violating this act upon conviction of such person so violating, shall receive one-half of the fine prescribed.

1909, ch. 801; Pub. Loc. 1911, ch. 616.

Sec. 137. Neuse and Trent Rivers, Bars and Meshes for Seines. If any persons shall use any drag net or seine with the bars of less size than one and a quarter inch in the Neuse and Trent rivers, or in any of the tributaries thereof, except for the purpose of catching herring, from the fifteenth day of January to the fifteenth day of May of each year, he shall be guilty of a misdemeanor, and fined not less than five nor more than fifty dollars for every offense. This section shall not apply to the waters of the Neuse and its tributaries above the Wayne and Johnston County lines.

Rev. 1905, sec. 2454.

Sec. 138. Trent River, Fishing, How, When, and Where. If any person shall set any trap, dutch, pound or pod net of any description whatever in Trent River, or shall at any time extend his set nets more than one-third the distance across the Trent River from either side, or shall set any net nearer to any other net than one hundred yards either on the same or on the opposite side of the river, or shall fish with seines or set nets of any description in Trent River from its mouth to upper Tucker bridge, between the hours of twelve o'clock noon on Saturday and twelve o'clock noon on Monday of each week, or shall set or haul a net or seine of any description between the town of Trenton and Brown's Mill on said river from the sixteenth day of May to the first day of August in each year, he shall be guilty of a misdemeanor, and shall be fined not less than five dollars nor more than ten dollars or be imprisoned not less than ten nor more than thirty days.

Rev. 1905, sec. 2455.

Sec. 139. Obstructions in Certain Streams. No person shall place or allow to remain any dam for mill or factory purposes in the Chowan River between Holliday's Island and the Virginia line; in the Meherrin River between its mouth and the Virginia line; in the Roanoke River from the mouth of the Cashie River to the Virginia line; in the Dan River from the crossing of the State line to a point nearest Danbury; in the Neuse River from New Bern to Neuse station in Wake County; in Contentnea Creek from its junction with the Neuse to the junction of Turkey and Moccasin creeks; in the Cape Fear River from Wilmington to the junction of Haw and Deep rivers and thence in Haw River to the line of Chatham and Alamance counties, and also in Deep River to the Randolph and Chatham line; in Rocky River from its mouth to the crossing of the Pittsboro and Asheboro Road; in the New Hope River from its mouth to the Orange County line; in Northeast Cape Fear River from Wilmington to South Washington; in Black River from its mouth to the junction of the Coharie; in the South River from its junction with the Black River to the crossing of the Fayetteville and Warsaw Public Road; in Lumber River from the State line to the northern boundary of Robeson County; in the Yadkin River from the State-

line to Patterson's factory; in Elk Creek, a tributary of the Yadkin River, from its mouth to Daniel Wheeler's in Watauga County; in Stony Fork Creek, a tributary of the Yadkin River, from its mouth to John Jones' old store; in Ararat River from its mouth to the bridge at Mount Airy; in North Fork of Catawba from its mouth to Turkey Cove; in Broad River from the State line to Reedy Patch Creek; in Green River from its mouth to its junction with North Pacolet; in the Tennessee River from the State line to its junction with the Nantahala; in Pigeon River from the State line to the forks of Pigeon; in the French Broad River from the State line to Brevard and in the Swannanoa River; in Toe River from the State line to the confluence of the North and South fork of Toe; in New River from the State line to the point of divergence from the western boundary line of Alleghany County; in Little River in Johnston County from its junction with Neuse River in Wayne County to the Wake County line; in Cain River from the mouth of same to the mouth of Bowling Creek in Yancey County, also Old Fields of Toe on North Toe River in Mitchell County; John's River from its mouth to the forks of said river near Carrell Moore's in Caldwell County; Catawba River from the South Carolina line to the town of Old Fort in McDowell County, unless the owner thereof shall construct thereon at his own expense a sluice-way for the free passage of fish, of a width not less than three feet nor more than ten feet: Provided such sluice-way shall be constructed according to plans and specifications to be furnished by the Board of Agriculture, and shall not injure the water-power of such owner: Provided, further, in order to ascertain whether sluice ways will or will not injure the water-power aforesaid the owner of such dam may select two disinterested persons and the Board of Agriculture two others, who may select the fifth person to aid in the arbitration and settlement of such a complaint: Provided, further, this section shall not apply to Pigeon River in Haywood County: Provided, also, it shall be lawful for any person to remove any obstruction in the main channel of the Cape Fear River to the width of one hundred feet for the free passage of fish in the county of Harnett. This proviso, however, shall not apply to any dam or obstruction placed or kept upon said river by the Cape Fear Iron and Steel Company.

Rev. 1905, sec. 2462; Pub. Loc. 1913, ch. 758.

Sec. 140. Sluice-Ways Kept Open, in said Streams. The sluice-ways referred to in the preceding section shall be so constructed and placed upon such dams by the owner thereof within sixty days after notice has been given by the board of agriculture, under a penalty of one hundred dollars per day for each day thereafter that such dam shall remain without such sluice-way, and shall be kept open by him during the months of February, March, April, May, June, October and November, and at all other times when there is sufficient water to supply both the water-power and the sluice-way, a fine of fifty dollars per day for each day said sluice-way shall be allowed to remain closed, and any person who shall fish with net, trap, hook and line, or who shall take in any way whatsoever any fish within two hundred feet of said sluice-way shall be subject to a fine of one dollar for each fish so taken, or a fine of fifty dollars for each offense, or imprisonment for thirty days.

Rev. 1905, sec. 2463.

Sec. 141. Obstruction in Said Streams Removed. No other obstruction to the passage of fish shall exist or be built between the designated points in the streams mentioned in the two preceding sections unless an opening of not less than twenty-five feet, and not more than seventy-five feet, embracing the main channel of said streams, shall be made by the owner of such obstructions within twenty days after notice from the board of agriculture to make such opening under penalty of fifty dollars per day for each day such obstruction shall remain unopened. Said notice shall be served by the sheriff of the county, and his return shall be prima facie evidence of notice in any suit for such penalty.

Rev. 1905, sec. 2464.

Sec. 142. Pamlico, Tar and Neuse Rivers, Pamlico Sound and Carteret County; Tarred Nets, Size. That there shall be no pound or other tarred nets with a mesh smaller than one and one-half inches bar, before tarring, fished in Pamlico, Tar, and Neuse rivers, Pamlico Sound and the waters of Carteret County, and there shall be no pound or stake nets fished within three miles of the inside mouths of Ocracoke Inlet nor in the principal channel or channels of said inlet nor within one mile of said channel or channels until the said channel or channels reach deep water, at any time, and the other inlets north of it shall be left under the Vann bill, chapter two hundred and ninety-two, Laws of one thousand nine hundred and five. (Now sec. 143 of this codification.)

No stake or pound net which shall be fished in any of the waters mentioned in this act, without being tarred, shall have a mesh of less than one and three-eighths inches bar.

That the bunt of all seines and haul nets fished in the waters of Pamlico, Tar and Neuse Rivers and Pamlico Sound shall not be smaller than one and one-eighth inches bar net: Provided, this bunt shall not be longer than thirty yards: Provided, that nothing herein shall apply to nets fishing for menhaden.

Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and shall be fined not less than one hundred dollars and imprisoned at the discretion of the court: Provided, that this chapter shall only apply to that part of the year beginning January fifteenth and ending May fifteenth.

1907, ch. 948; 1909, ch. 540, sec. 4.

Sec. 143. Pamlico and Albemarle Sounds, Dutch and Pound Nets, etc., in, Where and When; Duties of Commissioner on Complaint; Liability on Bond. If any person shall set or fish any net, seine, or appliance of any kind for catching fish at any place within a radius of two and one-half miles either way from Roanoke Marshes lighthouse, at a distance more than five hundred yards from the shore of Roanoke Island or the mainland on the western side of Croatan and Pamlico sounds, except that on the western side of Pamlico and Croatan sounds fishing shall be permitted in that territory extending one thousand yards from the shore, beginning at the two and one-half mile limit heretofore defined and extending to the southern end of the Roanoke Marshes, on the Pamlico Sound side, and to the north end of the same marshes on the Croatan side, but in neither case shall the nets within this one thousand-yard limit be within one and one-quarter miles in any direction from the Roanoke Marshes lighthouse; or

shall set or fish any pound or dutch net on the eastern side of Pamlico Sound within ten miles of the Roanoke Marshes lighthouse, except such as shall be fished within one thousand yards of Roanoke Island or Hog Island shores; or shall set or fish any dutch or pound net on the eastern side of Pamlico Sound more than two thousand yards west of a line running south-southeast (magnetic) from Big Island to a point on the twelve-foot curve westerly of Chicamacomico or south of said point more than two thousand yards from the twelve-foot curve, as marked on the chart of the Coast and Geodetic Survey, corrected from data obtained to November twenty-second one thousand nine hundred and four; or shall set or fish any dutch or pound net on the west side of Pamlico Sound, in said sound, extending into the water more than two thousand yards from the shore; or shall set or fish any pound or dutch net in Croatan Sound further from the shore than one-fifth of the width of said sound at that point; or shall set or fish any net, seine or appliance of any kind for catching fish at any place within the area of one-sixth the width of the sound or river on either side of a line passing through the middle of the channel of Croatan Sound and the middle of Albemarle Sound, up Chowan River as far as Cannon's ferry, and other tributaries of Albemarle Sound: (Provided, this clause does not apply to seines used on the rivers); or shall set or fish any pound or dutch net in the Albemarle Sound more than two thousand yards from the shore of the mainland, or in the Chowan River further from the shore than one-third of the width of said river, at the place where said nets are fished or set, or within one-fourth mile of any wharf used by a steamer on said river; or shall set or fish any net or appliance of any kind for catching fish within one mile on either side of a line running westerly or southwesterly from the center of New Inlet to an intersection with the line extending from Big Island southwest (magnetic), or within one mile on either side of a line running westerly or southwesterly from the center of Oregon Inlet to a point two thousand yards west of the continuation of the said line running from Big Island south-southeast (magnetic), or within one mile on either side of a line six miles long running from the center of Hatteras Inlet in a northwesterly direction, these restricted areas to include the channels extending from Oregon, New and Hatteras inlets, respectively, he shall be guilty of a misdemeanor and be fined not less than fifty dollars or imprisoned not less than thirty days, in the discretion of the court. The provisions of this section shall apply only to that part of each year in which shad and herring fishing are permitted by law in the several waters, except that in Albemarle and Croatan sounds the provisions of this section shall apply for the entire year, as far as it relates to pound nets. The fish commissioner is authorized, in determining the boundaries of the restricted areas on either side of Roanoke Marshes, to run straight lines from the stake two thousand yards from the shore in the two and one-half mile radius from Roanoke Marshes lighthouse to the stake five hundred yards eastward from the point of Roanoke Marshes, and shall run straight lines from the stake one-fifth the width of Croatan Sound in the two and one-half mile radius from Roanoke Marshes lighthouse south to the stake five hundred yards from the eastward point of Roanoke Marshes; that the boundary lines marking the restricted areas in these sounds shall be run in straight lines from stake to stake, located at certain points, but said stakes not to be in any case more than three miles apart. The places of trial for offenses under this section shall be the county opposite where the act was committed.

It shall be the duty of the Fish Commissioner, or any of his assistants or deputies, whenever a complaint is made to him, either orally or in writing, stating that any of the laws relating to fish or fisheries are being violated at any particular place, to go himself or send a deputy to such place and investigate same, and he shall seize and remove all nets or other appliances set or being used in violation of the fisheries laws of the State, sell same at public auction after advertisement for twenty days at the courthouse and three other public places in the county in which the seizure was made, and apply the proceeds of sale to the payment of costs and expenses of such removal, and pay any balance remaining, to the school fund of county nearest to where offense is committed. And the failure of the Fish Commissioner or his deputies to perform the above prescribed duty shall render his bond liable to penalty for five hundred dollars (\$500), one-half to go to the informant and the other half to be paid to the school fund of the county in which the action is brought.

1909, ch. 540, sec. 3; 1911, ch. 18.

Sec. 144. Pamlico River, Dutch Nets, etc., in, Where and When. It shall be lawful to fish with dutch, pod, pyke or other pound nets, or nets of like kind, in the waters of Pamlico River below a line beginning on the southern shore of Pamlico River at Maule's point, and running due north to a point on the northern shore of said river: Provided, that no dutch, pod, pyke or pound net, or other net of like kind, shall extend out in said river more than one-eighth of the distance across said river from the shore, and that none of said dutch, pod, pyke or pound nets shall be set, placed down or fished nearer to each other than five hundred yards, measuring up and down the river; nor shall they be placed, set down or fished within five hundred yards of any seine beach in actual use for hauling a seine, nor within one mile of the mouth of Bath Creek: Provided, no nets of the kind enumerated in this section, or other nets of like kind, shall be placed down, set or fished in said rivers between the tenth day of May and the first day of July in any year. That any person violating the provisions of this section shall be guilty of a misdemeanor and shall be fined not less than fifty dollars nor more than one hundred dollars, in the discretion of the court.

Rev. 1905, sec. 2429; 1909, ch. 540, sec. 1.

Sec. 145. Pamlico Sound, Neuse River, Smith Creek; Dutch, Pound, Pond Nets, When, Where and How. That it shall be unlawful for any person or association of persons or corporation to set or cause to be set, fish, or cause to be fished in Pamlico Sound from the mouth of Bay River to Neuse River and in Neuse River, more than four pound, pond, or dutch nets in any one string, with leads of more than two hundred yards in length for each pound or net, or at a greater distance than one and one-half miles from the shore at right angles or thereabout from the place opposite where such net may be set; and it shall be unlawful for any person, association of persons, or corporation to set or cause to be set any pound, pond, or dutch net or string of nets of any kind, or shall fish any such nets nearer to a net or string of such nets already set and being fished than five hundred yards, and no pound, pond, or dutch net nor any lead thereto shall be set other than at right angles or thereabouts from the shore. It shall be unlawful for any person or persons, firm or corporation to use, set, or fish any drag or haul net in the waters of Smith's Creek or its tributaries in Pamlico County.

That it shall be unlawful for any person or persons or corporations to set or fish or cause to be set or fished any pound, pond, or dutch net in the waters of Pamlico County on the south and east side thereof or in Neuse River, of a size smaller than one and one-quarter mesh or bar measure or two and one-half inches string measure.

That any person or persons or corporation who shall set or fish or cause to be set or fished any pound, pond, or dutch net at a greater distance than one and one-half miles from the shore, or shall set more than four such nets in one string, or shall set or fish any such nets nearer than five hundred yards to a string of such nets already set, or shall set such nets otherwise than at right angles or thereabouts from the shore, or shall set or fish any drag or haul net in the waters of Smith Creek or its tributaries in Pamlico County, shall be guilty of a misdemeanor, and shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days, in the discretion of the court, and shall also forfeit such net or nets any portion of which may be set beyond such distance from the shore or set in any manner or place forbidden in this act.

It shall be the duty of the Sheriff of Pamlico County, upon reliable information that any person or persons or corporation has set or caused to be set any pound or dutch net, or that any portion of any such net has been set at a greater distance than one and one-half miles from the shore from the mouth of Bay River to Neuse River and from Neuse River to Bairds Creek, or nearer than five hundred yards to any nets already set, to ascertain the truth thereof, and if such report be correct, take into possession at once any such net so set, and after ten days public notice at three public places in his county sell the same at public sale, and from the proceeds he shall retain the actual cost of taking such net, and a fee for services of two and one-half dollars and the remainder of said proceeds he shall pay one-half to the informer and the other to be paid to the county treasurer, who shall place the same to the credit of the public school fund of Pamlico County.

That it shall be lawful for any person or persons to set pound, pond, or dutch nets in the manner prescribed in this act in the waters of Pamlico County and in Neuse River upon the north side thereof from its mouth to Bairds Creek, at any time during the year, and from the northern end of outer Swan Island to Adams Creek on the south side of Neuse River, from the first day of January to the first day of May.

Pub. Loc. Laws 1913, ch. 752, sec. 5, (a), (b), (c), (d), (e).

Sec. 146. Pamlico Sound, Direction of Nets in. Every net (unless the same be a drag net and hauled to the shore), which may be used for catching shad in that portion of the waters of Pamlico Sound, lying between a line drawn eastwardly from Stumpy Point and Mount Pleasant in Hyde County to a point ten miles south of Hatteras inlet in said sound, shall be set and fixed in said waters, in a direction from north to south, and shall not be used in any other manner; and any person offending against this section shall, for every offense, forfeit five dollars.

Rev. 1905, sec. 2433.

Sec. 147. Pamlico and Tar Rivers, Lay Days. If any person from the fifteenth day of February to the tenth day of May of every year, from twelve o'clock meridian of Saturday until sunrise Monday morning of each week,

shall fish any seine, set net, drift net, or any other net of any name or kind whatever, in the waters of Pamlico or Tar rivers and tributaries, except bow or skim nets, he shall be guilty of a misdemeanor.

Rev. 1905, sec. 2427.

Sec. 148. Pamlico and Tar Rivers, Dutch Nets, etc., In. If any person shall set down or fish any dutch, pod, pyke or pound net or net of any kind in the waters of Pamlico or Tar rivers or their tributaries except in the manner, and in the part, and during the time, which such nets are by law allowed to be fished, he shall be guilty of a misdemeanor, and shall be fined not less than fifty dollars nor more than one hundred dollars, and shall be imprisoned in the county jail not less than thirty and not more than sixty days.

Rev. 1905, sec. 2428.

Sec. 149. Perquimans River, Nets in. If any person shall fish with any seine, or set any dutch net or hedge within one mile of a straight line commencing at Stephenson's point on the north side of Perquimans River and running in a southwesterly direction to the nearest point of land on the south side of said river known as Belgrade bluff, or shall haul any seine or set any dutch net or other kind of net so as to extend beyond the middle of said river at any part thereof, he shall be guilty of a misdemeanor.

Rev. 1905, sec. 2441.

Sec. 150. Roanoke Sound, Nets Prohibited, Where and When. That it shall be unlawful for any person or persons to set any pound nets or any other kind of nets east of a line beginning at a point one thousand yards east of Broad Creek Point; thence following the east shore of Roanoke Island to Ballast Point; or set or fish any pound or dutch nets or any other kind of net in that portion of Roanoke Sound north of a line extending from Ballast Point east ten degrees north further from the shore than one-fifth of the width of said sound: Provided, that this section shall not prevent the setting of pound nets inside of Shallow Bag Bay; and Provided, further, that the provisions of this section shall apply only to that part of each year in which shad and herring fishing is permitted by law in the several waters.

That any person or persons violating any of the provisions as set forth in this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned at the discretion of the court.

1911, ch. 26.

Sec. 151. Scuppernong River; Pound and Dutch Nets in. That it shall be unlawful for any person to fish any pound or dutch net within fifty yards of the Norfolk and Southern Railroad bridge across Scuppernong River.

That any person violating this act shall be guilty of a misdemeanor and punished by a fine of not more than one hundred dollars nor less than twenty-five dollars, in the discretion of the court.

Spec. Ses. 1908, ch. 82; 1909, ch. 119.

Sec. 152. Scuppernong River, Nets in. If any person shall set any kind of a fish weir or pod net, gill net or net of any kind in Scuppernong River using more than one-half of the channel of said river, or within one hundred yards of the public bridges at Columbia and the Cross landing, crossing said river, he shall be guilty of a misdemeanor, and fined a sum not

to exceed fifty dollars, or imprisoned not to exceed thirty days: Provided, this section shall not apply to the hauling of seines.

Rev. 1905, sec. 2445.

Sec. 153. Scuppernong and Lake Phelps, Prevents Fishing Certain Nets in. That it shall be unlawful for any person, firm, or corporation to set or in any manner fish with more than one hundred yards of gill nets within the waters of Lake Phelps or Scuppernong in Tyrrell and Washington counties, or to set or in any manner fish with more than one pound, pond, or dutch net, and shall be restricted to the months of February, March, and April of each year.

That any person, firm or corporation violating this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than fifty dollars or imprisoned not more than thirty days.

1909, ch. 378; 1911, ch. 129.

Sec. 154. Beaufort, Carteret, Dare, Hyde, and Pamlico, Size of Fish Regulated. That it shall be unlawful for any person to buy, sell, offer for sale, or to have in his possession any blue-fish, trout or drum under eight inches in length, or any mullet under six inches in length, or any croakers, spots and hogfish under five inches in length, or sea mullet, flounders, mackerel and hickory shad less than eight inches long or butterfish and steerfish less than four and one-half inches long, at any time during the year.

That any person or persons violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction be fined not less than ten dollars nor more than fifty dollars.

That this act shall only apply to the counties of Carteret, Pamlico, Beaufort, Hyde, and Dare.

1909, ch. 474, secs. 3, 4; 1909, ch. 906, sec. 2.

Sec. 155. Brunswick, New Hanover and Pender, Cape Fear River and Black River, Seines, Nets and Traps, When, How. If any person shall use in any of the waters of Brunswick, New Hanover and Pender counties any nets, seines, set-downs, fish traps or any other nets of any description for the purpose of taking fish, the bars of the meshes of which nets, seines, set-downs, or fish traps shall be less than one and one-eighth inches in length; or shall with seines or nets of any kind, catch any fish in the waters of the Cape Fear River from its mouth to the Bladen County line, or in the waters of the Northeast Cape Fear or Black rivers in Pender County between six o'clock p. m. on Saturday and six o'clock p. m. on Monday, or shall obstruct the free passage of fish in the waters of said rivers, he shall be guilty of a misdemeanor.

Rev. 1905, sec. 2470; 1907, ch. 811.

Sec. 156. Brunswick, Cumberland, New Hanover, Sampson, and Harnett; Certain Streams in. If any person shall catch or destroy with seines, nets, firearms, bows and arrows, or by muddying or stirring the waters, or by striking any fish of any kind in the waters of Black or South rivers, or the waters of Big Coharie, Little Coharie, Bear Skin and Big Swamps in the counties of New Hanover, Sampson, Cumberland and Harnett, and of the waters of Six Runs in the counties of New Hanover and Sampson, and of the waters of the Cape Fear River in the counties of New Hanover and Brunswick, and of the northeast branch of the Cape Fear River in the county

of New Hanover between the fifteenth days of May and August of each year, he shall be guilty of a misdemeanor, and fined not to exceed five dollars.

Rev. 1905, sec. 2472.

Sec. 157. New Hanover, Onslow and Pender, Purse Nets and Seines for Food Fish Prohibited. That it shall be unlawful for any person, firm, or corporation to catch any food fish in a purse seine or purse net in any waters within the limits of Pender, Onslow, and New Hanover counties, extending to the extreme limits of the State's jurisdiction in and over such waters, making the boundaries of said counties to which said waters shall extend to be the distance of three nautical miles, measured from the outer beach or shores of said counties out into the waters of the Atlantic Ocean.

That any waters within a distance of three miles of any beach or shore of said counties shall be deemed the waters of said counties for the purpose of this act.

That it shall be unlawful for any person, firm, or corporation to purchase, buy, or trade for, or deal in, or sell any food fish caught as is set forth in section one of this act.

That any person, firm or corporation violating any provision of this act shall be deemed guilty of a misdemeanor, and shall be fined not less than three hundred dollars (\$300) nor more than five hundred dollars (\$500), or imprisoned, in the discretion of the court.

That any person, firm, corporation, partnership, or association who shall knowingly rent, lease, or permit to be used any purse seine or purse net, rent or lease any vessel, boat or steamer upon which is used a purse seine or purse net in the catching of food fish in the waters of said counties shall be guilty, as a principal, of a misdemeanor.

Any person who shall furnish information upon which any person, firm or corporation shall be convicted of a violation of any of the provisions of this act shall be entitled to one-half of the fine imposed therefor.

Pub. Loc. 1913, ch. 717.

3. Local Laws (Commercial Fishing).

a. Counties.

Beaufort. (See, also, secs. 129, 154.)

Sec. 158. Bath, Blount, Jordan, Pungo and Wright Creeks, Certain Nets Prohibited in. That it shall be unlawful for any person or persons to use or fish with any drag nets, purse nets, drop nets, fyke nets, thrash nets or any set or gill nets longer than thirty yards on top line, in the waters of Bath Creek, Blount's Creek, Jordan's Creek, Pungo Creek, Wright's Creek or their tributaries, in Beaufort County, during the months of March, April, May, June and July of each and every year.

That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction fined not exceeding fifty dollars or imprisoned not more than thirty days for each offense.

1909, ch. 586.

Sec. 159. Bath Creek, Fishing by Residents Permitted. That it shall not be unlawful for any person or persons who are resident citizens of Beaufort County to fish with any kind of nets, except pound nets, or purse nets, in the waters of Bath Creek from Bath Creek bridge to the mouth of said creek.

Pub. Loc. Laws 1911, ch. 547.

Sec. 160. **Blount's Creek, Prohibits Fishing Certain Nets.** That it shall be unlawful for any person or persons to use or fish with any drag net or slash net in the waters of Blount's Creek or its tributaries.

That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars, or imprisoned not more than thirty days for each offense.

Pub. Loc. Laws 1911, § 120.

Sec. 161. **Durham and Lee's Creeks, Certain Nets Forbidden.** That it shall be unlawful for any person to catch fish with seines, drag nets, thrash nets or hauling nets of any description in the waters of Durham Creek, Lee's Creek, or their tributaries in Beaufort County.

That any person violating this act shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than five nor more than ten dollars for each and every offense.

1907, ch. 439.

Sec. 162. **Nixon's Creek, Drag, Purse or Pound Nets Prohibited.** That it shall be unlawful for any person or persons to use or fish with any drag nets, purse nets or pound nets in the waters of Nixon's Creek in the county of Beaufort.

That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction fined not exceeding thirty dollars or imprisoned not more than twenty days for each offense.

Pub. Loc. 1911, ch. 525.

Sec. 163. **North Creek, Drag, Purse and Fike Nets, Unlawful in.** That it shall be unlawful for any person or persons to use or fish with any drag-nets, purse-nets, drop-nets or fike nets in the waters of North Creek and its tributaries in Beaufort County.

That any person or persons violating the provisions of this act shall be guilty of a misdemeanor and fined not exceeding fifty dollars or imprisoned not more than thirty days for each offense.

1907, ch. 629.

Bertie. (See sec. 117.)

Bladen. (See, also, secs. 119, 121.)

Sec. 164. **Brown Marsh and Horse Shoe Swamp, Manner of Fishing.** That it shall be unlawful for any person to fish with a seine or by muddying the water or by means of any lime, dynamite, or any other such material or substance in Brown Marsh and Horseshoe swamps in Bladen County.

Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned for thirty days.

That this act shall apply only to Brown Marsh Township in Bladen County.

Pub. Loc. Laws 1915, ch. 187.

Sec. 165. **White Lake; Hook and Line Only Allowed.** That it shall be unlawful to catch, kill, or destroy fish in White Lake in Bladen County by means of nets, traps, by giggering, by shooting or by any other means or methods, except by hook and line: Provided, that set hooks, bobs, and trolls shall be construed as being hooks and lines.

That any person violating the provision of this act shall be guilty of a misdemeanor, and fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Pub. Loc. Laws 1913, ch. 295.

Brunswick. (See, also, secs. 110, 125, 155, 156.)

Sec. 166. **Mullet Fishing, Purse Nets Prohibited; Offal Discharged.** If any person, firm or corporation shall fish for and catch any mullets with any purse seine or purse net in the waters within the limits of Brunswick County, extending to the extreme limits of the State's jurisdiction in and over said waters; and for the purpose of this section, any portion of any water within a distance of three nautical miles from the outer shores of said county shall be deemed the waters of said county. Or if the master or any employee or any steamboats engaged in fishing for menhaden or fatbacks shall discharge from said boat fish offal, blood or slime within a distance of one-half of a mile of any established mullet fishery on the Brunswick County coast between the first of August and the thirty-first of December of each year, he shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned at the discretion of the court. For the purposes of this section an established fishery is declared to be that point on the beach occupied by the surfboat and seine in regular use.

Rev. 1905, sec. 2481.

Sec. 167. **Non-residents Must Have License.** That it shall not be lawful for any non-resident of this State to engage in the business of gathering oysters, clams and terrapins for gain, or for market, within the limits of Brunswick County without first obtaining from the County Commissioners of said county a license to carry on such business, which license may be granted by the County Commissioners of said county upon paying to the Treasurer of said county, to be used for county purposes, the sum of fifty dollars (\$50) for each non-resident engaged in such business, and twenty-five dollars (\$25) for each non-resident hand employed: Provided, that such license so granted shall be for one year and shall expire on the first day of October of each year.

That any person or persons violating the provisions of this act shall be guilty of a misdemeanor.

1907, ch. 68.

Carteret. (See, also, secs. 135, 142, 154.)

Sec. 168. **Cedar Island Township; Hauling Nets With Power.** That it shall be unlawful for any person or persons, firm or corporation to pull any haul-net within the waters of Cedar Island Township, Carteret County, with steam, gasoline or any other motor power.

That any person or persons, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor, and be fined or imprisoned, or both, in the discretion of the court.

1915, ch. 281.

Sec. 169. **Dutch Nets, etc., Use Prohibited: Proviso.** If any person shall use or cause to be used any dutch net, pond net or other stationary trap, net or seine of similar description by whatever name known, in the waters of Carteret County for the purpose of taking fish therefrom, he shall for each day's use thereof forfeit and pay the sum of fifty dollars. The penal-

ties herein created shall be recovered by a warrant before any justice of the peace in the county of Carteret, and shall be applied to the use of the public schools of said county; and such offender, in addition to the penalties contained in this section, shall be guilty of a misdemeanor, and fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned in the county jail not less than six months nor more than twelve months: Provided, this section shall not apply to the ordinary set nets heretofore in use in the waters of said county.

Rev. 1905, sec. 2435.

Sec. 170. Mullet, Size of Mesh. If any person shall catch mullet in the waters of Carteret County with a seine or net having a mesh of less than one and one-eighth inch, he shall be guilty of a misdemeanor and fined not more than \$50 and imprisoned not more than thirty days.

Rev. 1905, sec. 2434.

Sec. 171. Nets, Length, etc., Regulated; Joining Together. That it shall be unlawful for any person, firm, corporation, or syndicate to fish any net or seine in the waters of the State of North Carolina within the boundaries of Carteret County more than two hundred and seventy-five yards in length: Provided, this length shall not apply to purse seines used for the purpose of catching menhaden (fatbacks) only. Any person, firm, corporation, or syndicate violating this section shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or be imprisoned not more than thirty days, in the discretion of the court. Each day said nets or seines are fished shall constitute a separate offense under this act.

That when a condition arises that a crew of fishermen find it advantageous to join two or three nets together for the purpose of temporary fishing, it shall be lawful under this act to do so under the following rules and regulations, namely: (Provided, such nets when joined together shall not be fished in the bite of Cape Lookout):

(a) The total length of nets joined together shall not exceed eight hundred and twenty-five yards.

(b) That not more than one of the nets (two hundred and seventy-five yards) shall be owned by any one person, firm, corporation, or syndicate thus fishing.

(c) That not less than two men shall be permitted to fish with each net thus joined together.

(d) That no position or haul shall be held by anchoring boat (except when occupied by men fishing same), buoys, stakes, or any other device.

(e) That no seines or nets shall be hauled by capstans.

(f) That no nets of smaller mesh than $1\frac{3}{8}$ inch bar or $2\frac{6}{8}$ inch stretched measure shall be joined together for the purpose of fishing under this section.

(g) That no nets thus joined shall be fished in the waters of the State of North Carolina within the boundaries of Carteret County at any stationary fishery.

(h) That the fishing of such nets thus joined together shall not be permitted in the waters of Carteret County where said waters are of less width than one and one-fourth miles.

It is expressly enacted that each net joined together under paragraph two of this act shall have two staffs.

Any person violating any of the provisions of paragraph two and subdivisions (a) to (h), inclusive, of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two hundred dollars or imprisoned not less than six months.

1911, ch. 130.

Sec. 172. Obstruction to Fish Prohibited. If any person shall obstruct any navigable water or passageway for fish in Carteret County by placing bushes, posts or any stationary material or fixtures in such a manner as to prevent the free passage of fish, he shall be guilty of a misdemeanor and fined not less than one hundred dollars. Nothing in this section shall be construed to prohibit any person from using a lawful net or seine in any way or manner except as a stop net or seine. This section shall not apply to any net that the fish can pass freely by one end.

Rev. 1905, sec. 2436.

Sec. 173. Pound Nets, When and Where in Neuse River. That it shall be lawful to fish pound nets from January first to May fifteenth of each year within the waters of that portion of Carteret County, with a line beginning at the northwest point of outward Swan Island, running a due north course; from such line running up the Neuse River to the spar buoy at the entrance of Adams Creek: Provided, that not more than five nets shall be set in any one stand: Provided, further, that not more than one-fourth of the river in width shall be used for the purpose of fishing under this act.

Any person, firm, corporation, or syndicate fishing with pound nets in the waters of Carteret County at any other time except as prescribed in this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two hundred dollars or imprisoned not less than six months, in the discretion of the court. It is expressly enacted that every day such fishing is done in violation of this act shall constitute a separate offense.

1911, ch. 128; 1915, ch. 180.

Sec. 174. Purse Nets for Mullet Prohibited. If any person shall fish for or catch any mullets with any purse seine or purse net in any waters within the limits of Carteret County, extending to the extreme limits of the State's jurisdiction in and over such waters, he shall be guilty of a misdemeanor and be fined not less than five hundred dollars or imprisoned not less than one year. For the purpose of this section the following boundaries are hereby declared to be the boundaries to which the waters of said county extend, to wit: A distance of three nautical miles, measured from the outer beach or shores of Carteret County out and into the waters of the Atlantic Ocean; and any portions of any water within a distance of three miles from said waters of the Atlantic Ocean to any beach or shore of said county, shall be deemed the waters of said county for the purposes of this section.

Rev. 1905, sec. 2437.

Carteret and Onslow.

Sec. 175. Purse Nets Prohibited for Food Fish. That it shall be unlawful for any person, firm or corporation to catch any food-fish in a purse-seine or purse-net in any waters within the limits of Carteret and Onslow counties extending to the extreme limits of the State's jurisdiction in and over

such waters, making the boundaries of said counties to which said waters shall extend to be the distance of three nautical miles, measured from the outer beach or shores of Carteret and Onslow counties out into the waters of the Atlantic Ocean.

That any waters within a distance of three miles of any beach or shore of said counties shall be deemed the waters of said counties for the purposes of this act.

That it shall be unlawful for any person, firm or corporation to purchase, buy, or trade for, or deal in, or sell any food-fish caught as is set forth in the manner prohibited by this act.

That any person, firm or corporation violating any provisions of this act shall be deemed guilty of a misdemeanor, and shall be fined not less than three hundred dollars (\$300) nor more than five hundred dollars (\$500), or imprisoned, in the discretion of the Court.

Any person who shall furnish information upon which any person, firm or corporation shall be convicted of a violation of any of the provisions of this act shall be entitled to one-half of the fine imposed therefor.

1907, ch. 857; 1911, ch. 126; 1911, ch. 204.

Chatham.

Sec. 176. Haw River, Fish Ways Erected, When. All persons maintaining dams across Haw River in the county of Chatham shall, upon thirty days' notice from the board of commissioners of said county, establish fishways in said dams; and if said fishways shall not be made within three months from the service of the notice, said persons so offending shall be guilty of a misdemeanor, and fined at the discretion of the court.

Rev. 1905, sec. 2476.

Columbus. (See, also, secs. 131, 132.)

Sec. 177. Lumber River; Seines and Nets, Traps, Explosives; Gill Nets. That it shall be unlawful for any person, firm, or corporation to fish with seine, traps, giggering, striking, or dynamiting, by shooting with gun or rifle in Lumber River or its tributaries in Columbus County: Provided, that this section shall not apply to any person fishing on own lands or those who may have written consent of owner of the land where fishing.

That it shall be unlawful for any person, firm, or corporation to fish with gill net in Lumber River or its tributaries in Columbus County, except during the months of October, November, December, January and February.

That any person violating this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars nor less than ten dollars, one-half to go to the informant, or imprisoned not more than thirty days nor less than ten days, in jail, with authority to county commissioners of Columbus County to hire out such convict.

Pub. Loc. Laws 1913, ch. 740.

Sec. 178. Porter Swamp, Traps and Nets Prohibited. That it shall be unlawful for any person or persons to set any fish traps or nets in the waters of Porter Swamp in Columbus County in such a manner as to prevent the free passage of fish.

Any person or persons violating the provisions of this act shall be guilty of a misdemeanor and shall be fined not less than ten dollars nor more than twenty-five dollars, or imprisoned not less than ten nor more than thirty days for each offense.

Pub. Loc. Laws 1911, ch. 748.

Craven. (See sec. 135.)

Cumberland. (See secs. 120, 121, 156.)

Currituck. (See, also, sec. 128.)

Sec. 179. **Atlantic Township, Fishing Regulated.** That it shall be unlawful for any person or persons to catch fish with seine or set net, or nets of any kind, in the waters of Atlantic Township, between the fifteenth day of April and the twentieth day of October in each year, within the following boundaries in said township: Beginning at a cedar stump standing on the beach north of Caffie's Inlet Life-saving Station and extending a west course five hundred yards from the shore; thence paralleling the shore a southerly course to the Dare County line.

That it shall be unlawful to set any pound or dutch nets in the waters of said township: Provided, that nothing in this act shall prevent the catching or selling of twenty-five pounds of fish on any one day for home consumption.

That nothing in this act shall prevent the catching of eels, mullets and herrings at any time during each year; and Provided, that nothing in this act shall prohibit fishing at night.

That any person violating the provisions of this act or any part thereof shall be guilty of a misdemeanor for each and every offense, and upon conviction shall be fined not more than fifty dollars nor less than twenty dollars or imprisoned not more than thirty days.

1909, ch. 619.

Sec. 180. **Dutch Nets, etc., in Currituck Sound, When, Where, and How.** If any firm, company or corporation shall operate or cause to be operated in the waters of Currituck County, or to be interested in (in any manner whatsoever) more than six-pound or dutch nets, or use more than one hundred yards of hedging to a net, or set a stand of such nets exceeding eight hundred yards in length from land to the extreme outward end; or if any person shall set any pound or dutch nets to the east of the center of Currituck Sound, except that part from the west point of Mackey's Island north of the Virginia line; or if any person shall leave any landing or anchorage before sunrise for the purpose of fishing in Currituck Sound or tributaries, or shall continue to fish after dark, he shall be guilty of a misdemeanor and be fined not less than twenty-five, nor more than fifty dollars. This section shall not prohibit fishing after dark in that part of said sound west of a line beginning at the north point of Bell's Island, thence north not more than one thousand yards from the main land to the mouth or entrance of Tull's Creek, nor night fishing between the thirty-first day of March and the twentieth day of October five hundred yards from the shore from Martin's Point to Kitty Hawk Bay.

Rev. 1905, sec. 2430.

Sec. 181. **Catching and Selling Fish, When.** If any person shall catch or capture any fish with nets or other appliances in the waters of Currituck County between the fifteenth day of April and the twentieth day of October of each year, or shall sell or ship out of the county or State any fresh fish between said dates; or if any person shall be found with more than twenty-five pounds of fresh water fish in his possession between the thirty-first day of March and the twentieth day of October of each year, herrings, mullets, shad and eels excepted; or if any person shall in said

county catch eels for market between the thirtieth day of April and the twentieth day of September following in each year, he shall be guilty of a misdemeanor and be fined not more than fifty dollars and not less than twenty-five dollars. Any citizen may catch, not to exceed twenty-five pounds, at any time for home consumption, and sell or give not more than ten pounds to any one person in one day.

Rev. 1905, sec. 2431; 1907, ch. 520.

Sec. 182. Right of Search. If any constable, game warden, or justice of the peace of Currituck County shall be informed, or have cause to suspect, that either of the two preceding sections are being violated, he is hereby authorized and empowered to examine the contents of any fishing boat, or packages in transit, and any person or common carrier refusing to exhibit the contents of any fishing boat or package to such officer shall be guilty of a misdemeanor, and shall be fined not less than twenty-five and not more than fifty dollars.

Rev. 1905, sec. 2432.

Dare. (See, also, secs. 108, 110, 154.)

Sec. 183. Dutch and Pound Nets Prohibited, Where. That it shall be unlawful for any person, firm or corporation to set any dutch or pound net within the space or area of water bounded and described as follows: Beginning at Hollowell's Wharf, at Nag's Head, and running thence a due west course to the channel in Roanoke Sound; thence northwest to the Currituck County line; thence with said Currituck County line to the shore.

That any person violating this act shall be guilty of a misdemeanor and upon conviction shall be fined fifty dollars or imprisoned thirty days in the discretion of the court.

1913, ch. 113.

Greene.

Sec. 184. Mesh, Size, Lands of Another. That it shall be unlawful for any person or persons to fish with or set any nets with less meshes than one and one-fourth inches square.

That no person or persons shall fish with nets of any kind on another person's land without first getting permission from the owner of the lands to do so, except in navigable streams as rivers or large creeks.

Any person or persons violating this act shall be guilty of a misdemeanor and upon conviction thereof shall pay a fine of not less than five dollars nor more than twenty dollars for each offense.

This act applies to Green County only.

Pub. Loc. Laws 1915, ch. 494.

Harnett. (See sec. 156.)

Hertford and Northampton.

Sec. 185. Potecasi Creek, Fish Protected in. That it shall be unlawful for any person or persons to use, set or in any manner to fish with any fish trap, pike net, seine or drag net in the waters of Potecasi Creek, in Hertford and Northampton counties, from its mouth to the Creekville Mill, in Northampton county.

That any and every person violating this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than fifty dollars or imprisoned not more than thirty days.

1909, ch. 662.

Hoke. (See sec. 132.)

Hyde. (See, also, sec. 154.)

Sec. 186. Pound and Dutch Nets, Prohibited, Where; Removal. That it shall be unlawful for any person or persons to set or use any pound or Dutch net south of the dividing line between Dare and Hyde counties on the west side of Pamlico Sound along the shores of Hyde County, more than two thousand yards from a line drawn from point to point along said shore.

That any person violating this act shall be deemed guilty of a misdemeanor and upon conviction shall remove said nets at once: Provided that any person failing to remove said nets after conviction shall be subject to a fine of not less than ten nor more than fifty dollars.

1915, ch. 59.

Sec. 187. Rose Bay; Drag Nets Prohibited. It shall be unlawful for any person to use or take fish from the waters of Rose Bay, or any of its tributaries, in Hyde County, with drag nets, or drop nets.

Any person violating this act shall be guilty of a misdemeanor and fined not less than twenty-five dollars nor more than fifty dollars.

Pub. Loc., Spec. Ses. 1913, ch. 264; Pub. Loc. 1915, ch. 349.

Sec. 188. Slade's River and Fortescue Creek, Drag Nets Prohibited. That the name of Slade's Creek, in the county of Hyde, be and the same is hereby changed to Slade's River, and, by such name the said water course shall in future be designated in all official maps, records, laws and other official documents authorized by the State of North Carolina.

That fishing with drag nets be and the same is hereby prohibited in said river and tributaries and in the waters of Fortescue's Creek, in said county.

That any violation of the provisions of this chapter, relating to the manner of fishing, above provided for, shall be a misdemeanor and shall be punished by a fine not exceeding the sum of fifty dollars or imprisonment for not more than thirty days, in the discretion of the court.

1909, ch. 520.

Sec. 189. Slade's River, Mouth of, Fixed; Nets in. That the mouth of Slade's River in Hyde County be and the same is hereby fixed and located by running a straight line from Acquillas Point on Pungo River to Sandy Point on said Pungo River.

That it shall be unlawful for any person, firm, or corporation to set, fish, or use any kind of net except stake gill nets on the east of said line mentioned in paragraph one of this act, in said Slade's River.

Any one violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars nor more than fifty dollars, or imprisoned not more than thirty days, in the discretion of the court.

1911, ch. 59.

Lenoir. (See, also, sec. 135.)

Sec. 190. **Bear Creek, Hedging and Trap Fishing Prohibited.** That it shall be unlawful for any person or persons to hedge or fish with traps in the Waters of Bear Creek, between the mouth of said Creek, where it empties into Neuse River and the Joyner millseat, in Lenoir County.

Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five dollars (\$5), nor more than twenty dollars (\$20), or imprisoned not less than five (5) nor more than ten (10) days for such offense, in the discretion of the Court.

1907, ch. 791.

New Hanover. (See, also, secs. 110, 124, 125, 155, 156, 157.)

Sec. 191. **Masonboro and Myrtle Grove Sounds, Nets and Traps Prohibited.** If any person shall use any pyke nets or set down seines, or place any fish trap for the purpose of catching fish in the waters of Masonboro and Myrtle Grove Sounds in New Hanover County, he shall be guilty of a misdemeanor, and fined not more than fifty dollars, or imprisoned not more than twenty days.

Rev. 1905, sec. 2425.

Sec. 192. **Seines and Nets Prohibited in Atlantic Ocean, Where and When.** That it shall be unlawful for any person, firm or corporation to fish with seines, purse, pod or pound nets, or with any kind of nets, except cast nets, in the waters of the Atlantic Ocean in New Hanover County within the following limits:

Beginning at a point on the beach on the north side of the mouth of Moore's Inlet and extending southwardly along the strand of the Atlantic Ocean to a point on the north of the mouth of Masonboro Inlet, and extending one mile out from the shore line.

The above shall not apply to the use of set nets between the first day of November and the first day of May next following.

That any person violating this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than one hundred dollars and imprisoned not more than sixty days.

1915, ch. 104.

Northampton. (See sec. 185.)

Onslow. (See, also, secs. 157, 175.)

Sec. 193. **Cypress Swamp and Haws Run, Obstructions in.** That it shall be unlawful for any person, firm or corporation to fell any trees in or in any way obstruct the natural flow of the waters of Cypress Swamp and Haws Run in Onslow County.

That any person, firm or corporation violating this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars (\$50) or imprisoned not more than thirty (30) days.

1907, ch. 772.

Sec. 194. **Nets Stopping Passage Prohibited, Where.** That it shall be unlawful for any person, firm or corporation to set, place, fix, establish or operate any stop net that will prevent or interrupt the passage of any fish in the water of any creek or sound in Onslow County, North Carolina, between New River and the Carteret County line in said county.

That any person, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor and on conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

1915, ch. 133.

Sec. 195. Nets and Seines Set in Ocean for Only One Hour; Penalty, Informer; Sale of Nets. That it shall be unlawful for any person, firm, or corporation to set any net or seine on the coast of Onslow County for a longer time than one hour at any one time.

That any person violating the provisions of this act shall, upon conviction, be fined not less than one hundred dollars or imprisoned not less than three months.

That one-half of said fine shall go to the party or parties reporting such offenses, and furnishing sufficient evidence to convict.

That in the event any offender shall be unable to pay fine, that his boats, nets and other fishing paraphernalia shall be forfeited and sold to the highest bidder for cash at courthouse door after twenty days notice, and proceeds of said sale be applied to cost and fine and any surplus paid to the defendant: Provided, however, this act shall not tend to convict any party who shall catch more fish than can be taken up in one hour.

1915, ch. 184.

Sec. 196. New River; Seines and Nets in Channel. That it shall be unlawful for any person, firm, or corporation, or association to catch fish with haul seine, purse net, or drop net in the waters of New River in the main channel between Hatche's Rock and New River Inlet, or within one-half mile of said inlet in the Atlantic Ocean.

That any person, firm, corporation, or association violating this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two hundred dollars nor more than five hundred dollars, or imprisoned in the discretion of the court; fifty dollars of said fine to be paid to the person or persons furnishing evidence sufficient to convict.

Pub. Loc. Laws 1913, ch. 707.

Pamlico. (See, also, secs. 129, 135, 136, 145, 154.)

Sec. 197. Pamlico River, Nets in Prohibited, When. If any person shall set or fish any dutch or pound nets in the waters of Pamlico County, or shall use any seine or drag net in the waters of said county including north side of Neuse River from the mouth of the river to the mouth of upper Broad Creek from the first day of May to the first day of January next ensuing, or shall at any time catch fish with a seine or drag net along the shores of said county on any day of the week except Monday, Wednesday and Friday, he shall be guilty of a misdemeanor and be fined not more than fifty dollars or imprisoned not more than thirty days.

Rev. 1905, sec. 2452.

Sec. 198. Dawson's Creek, Drag and Haul Nets Prohibited. That it shall be unlawful for any person or persons to fish with drag or haul net of any description in the waters of Dawson's Creek, Pamlico County.

Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and fined or imprisoned, at the discretion of the court.

Pub. Loc. Laws 1911, ch. 470.

Sec. 199. Drag Nets Prohibited in Certain Streams. That it shall be unlawful for any person or persons to haul or use any drag net in the waters of Vandemere Creek and its tributaries, Smith's Creek, Chappel's Creek and its tributaries, Trent Creek and its tributaries and Bay River and its tributaries, from the mouth of Trent Creek to the head of both its northwest and southwest prongs, for the purpose of catching or taking fish from said waters.

That any person or persons violating the provision of the first section of this act shall be guilty of a misdemeanor and shall be fined not less than five dollars nor more than ten dollars or imprisoned not less than five days nor more than ten days for each and every offense.

1909, ch. 692.

Pasquotank. (See, also, sec. 130.)

Sec. 200. Pasquotank River, Pound or Pike Nets Prohibited, Where. That it shall be unlawful for any person, firm, or corporation to fish in Pasquotank River above Stinking Gut on either side of said river with pound or pike nets, or any other kind of net with mudge or leads: Provided, that this act shall not be construed to prohibit any person, firm, or corporation fishing in said territory with gill nets. Any person, firm or corporation violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed fifty dollars or imprisoned not to exceed thirty days, in the discretion of the court.

Pub. Loc. Laws 1913, ch. 752, sec. 6.

Sec. 201. Nets in Hatley Creek. If any person shall haul or fish with a drag-net, or set a pound net in Big Hatley Creek, or Little Hatley Creek within two hundred yards of the mouth of either of said creeks, he shall be guilty of a misdemeanor and be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Rev. 1905, sec. 2442; 1911, ch. 127.

Pasquotank and Perquimans. (See, also, secs. 130, 149 as to Perquimans.)

Sec. 202. Gill-Nets Allowed. That it shall be lawful for fishermen fishing in the Albemarle Sound lying opposite to Perquimans and Pasquotank counties, and its tributaries lying and being in said counties, to set gill nets as near as one hundred and fifty yards of any pound or dutch nets fished in said waters: Provided, that any net shall not be set beyond the line now prohibited in said waters.

1911, ch. 138.

Pender. (See secs. 110, 119, 155, 157.)

Robeson. (See secs. 131, 132.)

Sec. 203. Lumber River; Seines, Nets, Traps, Gigs, Dynamite. That it shall be unlawful for any person to fish with seine, nets, traps, gigging, or by muddying, striking or dyngmiting, in Lumber River or the other rivers, creeks, lakes or ponds of Robeson County: Provided that this does not apply to persons fishing on their own premises.

That any person violating this act shall be guilty of a misdemeanor and on conviction shall be fined not more than fifty dollars, nor less than ten dollars, one-half to go to the informant, or imprisoned not more than

thirty days nor less than ten days, in jail, with privilege to county commissioners of Robeson County, or adjacent county, to hire out.

Pub. Loc. 1911, ch. 529; Spec. Ses., Pub. Loc., 1913, ch. 272.

Sec. 204. Lumber River, Nets and Traps, Closed Season; Limit of Catch. That it shall be unlawful for any person to set any trap or net for the purpose of catching fish in Lumber River or any of its tributaries in Robeson County between the first day of April and the first day of September in any year.

That at all times it shall be unlawful for any person to catch or take more than twelve of the fish known as "red breasts" and trout from Lumber River or any of its tributaries in Robeson County, in any one day, whether said fish be caught with hook and line, net, trap or in any other manner.

That any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned, in the discretion of the court.

Pub. Loc. 1911, ch. 703.

Sampson. (See, also, secs. 120, 121, 156.)

Sec. 205. Pod and Bag Nets, Traps, Dynamite, Lime and Any Obstruction Prohibited. That it shall be unlawful for any person to fish in any of the rivers, creeks, or other streams of Sampson County by means of lime, dynamite, pod nets, bag nets, traps or by any means or contrivance whereby the free passage of fish is obstructed.

Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Pub. Loc. 1915, ch. 464, secs. 2 and 3.

Scotland. (See sec. 132.)

Tyrrell. (See, also, secs. 115, 151, 152, 153.)

Sec. 206. Alligator River and Frying Pan Creek, Nets in. If any person shall fish any pound net, gill net, seine or nets of any kind in Alligator River within one mile of the mouth of Frying Pan Creek in Tyrrell County, or shall set any weir or fish net of any kind or any other obstruction that prevents the passage of fish in said creek from its mouth to Jarmin's Point, at the two pines and low cypress, he shall be guilty of a misdemeanor.

Rev. 1905, sec. 2447.

Sec. 207. Alligator River and Frying Pan Creek, Nets in. If any person shall set any pound net or dutch net in Alligator River within one-half mile of the mouth of Frying Pan Creek in Tyrrell County, or in Frying Pan Creek within three miles of where it enters into the Alligator River, he shall be guilty of a misdemeanor and shall be fined fifty dollars or imprisoned thirty days, or both, at the discretion of the court.

Rev. 1905, sec. 2449.

Washington. (See sec. 153.)

Wayne. (See, also, sec. 134.)

Sec. 208. Neuse and Little Rivers, Gill Nets and Traps Allowed. That the citizens of Wayne County be and they are hereby permitted to put in

fish traps and gill stick nets in Neuse and Little rivers, within the limits of Wayne County.

Pub. Loc. 1911, ch. 465.

b. *Localities.*

Sec. 209. **Black River and Six Runs, Obstructing Channel; Lay Days.** That it shall be unlawful for any person or persons to fish in that part of Black River from the Cape Fear River to the mouth of Great Coharie, and in that part of Six Runs River from its mouth to where it is crossed by the Atlantic Coast Line Railroad, with any wire trap, net or contrivance whatever that will obstruct the free passage of fish in said waters, from the first day of March to the fifteenth day of June of each year, except from six o'clock p. m. to six o'clock a. m. on Tuesday, Thursday and Saturday nights.

That it shall be unlawful for any person or persons fishing as permitted in the foregoing section to leave, or permit being left, in the parts of the said streams defined in the foregoing section any wire, trap, net or contrivance whatever that will obstruct the free passage of fish, or any parts of any such wire trap, net or contrivance, at any time during which such fishing is prohibited by the foregoing section.

Any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and be fined not more than fifty dollars (\$50) or imprisoned not more than thirty (30) days.

1907, ch. 169.

Sec. 210. **Moccasin River and Big and Little Contentnea Creeks, Obstructions and Nets in.** That it shall be unlawful for any person or persons to hedge or otherwise obstruct the free passage of water, fish, timber, rafts or boats, in the run of Moccasin River or Big Contentnea Creek, from Rountree's Bridge in Wilson County to the mouth of said river or creek, or to make any like obstructions in the run of Little Contentnea Creek.

That it shall be unlawful for any person or persons to fish with traps of any description in the waters of either of the said streams, except from Rountree's Bridge to Barefoot's Mill: Provided, no hedge or trap shall obstruct more than one-third of the waters of Contentnea Creek.

That any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than five dollars and not more than fifty dollars or imprisoned not more than thirty days; and that one-half of the fine so imposed shall be paid to the person who shall report such offenses to the proper lawful officer, and the other half to the common school fund of the county in which said misdemeanor shall be committed.

1907, ch. 615; Spec. Ses., Pub. Loc., 1913, ch. 252.

Streams, Lakes, Inlets, Sounds, etc.

See, also:

Albemarle Sound, secs. 108, 112, 114, 115, 116, 117, 118, 143, 202.

Ararat River, sec. 139.

Bears' Inlet, sec. 109.

Bear Skin River, sec. 156.

Big Coharie River, sec. 156.

Big Swamps, sec. 156.

- Black River, secs. 119, 120, 121, 139 155, 156, 209.
Broad River, sec. 139.
Brown's Inlet, sec. 109.
Brunswick River, sec. 124.
Cain River, sec. 139.
Cape Fear River, secs. 122, 123, 124, 125, 139, 155, 156.
Cashie River, sec. 117.
Catawba River, sec. 139.
Chowan River, secs. 116, 139, 143.
Contentnea Creek, secs. 139, 210.
Croatan Marshes, sec. 127.
Croatan Sound, secs. 112, 127, 143.
Currituck Sound, secs. 112, 128, 180.
Dan River, sec. 139.
Deep River, sec. 139.
Eastmost River, sec. 117.
Elk Creek, sec. 139.
French Broad River, sec. 139.
Goose Creek, sec. 129.
Green River, sec. 139.
Hatteras Inlet, secs. 108, 109, 143.
Haw River, sec. 139.
John's River, sec. 139.
Lake Phelps, sec. 153.
Little Coharie River, sec. 156.
Little River, secs. 130, 139.
Lumber River, secs. 131, 132, 133, 139, 203, 204.
Meherrin River, secs. 139.
Middle River, sec. 117.
Mingo Creek, sec. 120.
Moccasin River, sec. 210.
Neuse River, secs. 134, 135, 136, 137, 139, 142, 145.
New Hope River, sec. 139.
New Inlet, secs. 108, 109, 143.
New River, sec. 139.
Northeast Cape Fear River, secs. 123, 126, 139, 155, 156.
North Fork of Catawba River, sec. 139.
Ocracoke Inlet, secs. 108, 109, 142.
Old Fields of Toe River, sec. 139.
Oregon Inlet, secs. 108, 109, 143.
Oyster Creek, sec. 129.
Pamlico River, secs. 142, 144, 147, 148.
Pamlico Sound, secs. 112, 127, 142, 143, 145, 146.
Perquimans River, sec. 149.
Pigeon River, sec. 139.
Roanoke Marshes, secs. 108, 143.
Roanoke River, secs. 117, 139.
Roanoke Sound, sec. 150.
Rocky River, sec. 139.
Scuppernong River, secs. 151, 152, 153.
Six Runs, secs. 156, 209.

Smith's Creek, sec. 145.
 South River, secs. 139, 156.
 Stoney Fork Creek, sec. 139.
 Tar River, secs. 142, 147, 148.
 Tennessee River, sec. 139.
 Toe River, sec. 139.
 Trent River, secs. 136, 137, 138.
 Yadkin River, sec. 139.

And see Acts by Counties.

4. Local Laws (Non-Commercial Fishing).

- a. Counties.
- b. Localities.

a. *Counties.*

Anson.

Sec. 211. Lower Creek; amends Act 1905, ch. 706.
 1907, ch. 38.

Ashe.

Sec. 212. Waters stocked by U. S. Government, fishing in prohibited.
 Pub. Loc. 1911, ch. 195.

Avery.

Sec. 213. Elk and Toe Rivers; closed season.
 Pub. Loc. 1915, ch. 526.

Avery, Caldwell and Mitchell.

Sec. 214. Rainbow Trout, fishing regulated.
 Pub. Loc. 1911, ch. 675; Pub. Loc. 1913, ch. 752, sec. 2.

Buncombe.

Sec. 215. Fish protected; trout, closed season, and size; Game Warden's duty.
 1909, ch. 570.

Burke.

Sec. 216. Dynamiting fish prohibited.
 1909, ch. 895.

Sec. 217. Written permission, prohibits fishing on lands of another without, where; dynamiting and seining, where.
 Pub. Loc. 1911, ch. 137; Pub. Loc. 1913, ch. 752, sec. 1.

Burke, Caldwell and McDowell.

Sec. 218. Catawba River, fishways; seining and trapping forbidden.
 Pub. Loc. 1911, ch. 710.

Cabarrus.

Sec. 219. Coddle and Big Cold Water Creeks, prevents seining in.
 Pub. Loc. 1911, ch. 361.

Caldwell. (See secs. 214, 218.)

Cherokee.

Sec. 220. Shooting fish; punishment.
 Pub. Loc. 1915, ch. 608, secs. 4 and 5.

Sec. 221. Seines and traps in Valley, Notla, and Hiwassee rivers.
Rev. 1905, sec. 2458.

Clay.

Sec. 222. California trout to be put back; otherwise than with hook and line forbidden.
1909, ch. 374.

Sec. 223. Dynamite for killing fish, unlawful.
Pub. Loc. 1913, ch. 623, sec. 3.

Sec. 224. Hiwassee River, free passage of fish in Mission Dam.
1909, ch. 112.

Craven.

Sec. 225. Neuse and Trent river bridges at New Bern, fishing or shooting from.
Rev. 1905, sec. 2456.

Durham and Orange.

Sec. 226. Eno River; use of seines and nets prohibited, when.
Pub. Loc. 1913, ch. 547.

Gates.

Sec. 227. Speight's Mill Pond; to protect fish in.
1907, ch. 646.

Sec. 228. Bennett's Creek Mill Pond, fishing other than with hook and line unlawful.
1907, ch. 734.

Graham.

Sec. 229. Yellow Creek; trout, closed season.
Pub. Loc. 1911, ch. 127.

Sec. 230. Rainbow trout, closed season, where and when.
Pub. Loc. 1911, ch. 59.

Harnett and Lee.

Sec. 231. Upper Little River, seines and nets prohibited, where.
Pub. Loc. 1911, ch. 379.

Sec. 232. Upper Little River, dynamite prohibited.
Pub. Loc. 1915, ch. 519.

Haywood.

Sec. 233. Trout in Cataloochee Creek, offering for sale; permission of land owner.
Rev. 1905, sec. 2480.

Sec. 234. Cataloochee Township; fishing without consent of land owner, unlawful.
1907, ch. 704.

Sec. 235. Cecil Township, closed season; limit, number and size; wardens; arrest; punishment.
1907, ch. 696.

Henderson.

Sec. 236. Fishing, except with hook and line and gig and seine, prohibited in Green, French Broad, Little, Mills rivers, Grassy Creek, and Mud Creek.

1895, ch. 345; Pub. Loc. 1913, ch. 623, sec. 2.

Sec. 237. Obstructing streams, preventing passage of fish, prohibited. Rev. 1905, sec. 2479.

Hertford.

Sec. 238. Liverman's Mill Pond, hook and line only.

Pub. Loc. 1915, ch. 354.

Johnston.

Sec. 239. Hannah's and Stone's creeks; closed season.

Pub. Loc. 1915, ch. 645.

Sec. 240. Black Creek, fishing in, prohibited.

1907, chs. 713 and 870; Pub. Loc. 1911, ch. 493; Pub. Loc. 1913, ch. 373.

Lee. (See sec. 231.)

Madison.

Sec. 241. Closed season, where; dynamite.

Pub. Loc. 1911, ch. 380.

Martin.

Sec. 242. Cross Roads Township, unlawful to hunt and fish on lands of another without written permission.

1907, ch. 338.

McDowell. (See, also, sec. 218.)

Sec. 243. Trout, written consent of owner to fish for in certain streams; deleterious substances in streams forbidden.

1891, ch. 5; 1907, ch. 544.

Mitchell. (See, also, sec. 214.)

Sec. 244. Dynamiting fish prohibited.

1909, ch. 895.

Mitchell and Yancey.

Sec. 245. Explosives; powers game wardens.

Pub. Loc. 1913, ch. 576.

Sec. 246. Dynamite forbidden for killing fish; game warden's power.

Pub. Loc. 1911, ch. 576.

Orange. (See sec. 226.)

Polk.

Sec. 247. Seines, nets and dynamite prohibited; exception.

1909, ch. 590; Pub. Loc. 1911, ch. 549.

Sec. 248. North Pacolet and Vaughn's Creek; hook and line only; closed season; permission; sale; sawdust, etc.

1907, ch. 149.

Rockingham.

Sec. 249. Dynamiting fish in Haw River forbidden.
1909, ch. 311.

Sampson.

Sec. 250. South River, Little Coharie, Big Coharie, and Six Runs, hook
and line fishing always lawful.
1907, ch. 359.

Swain.

Sec. 251. Tabor's Mill Creek, trout closed season for three years.
Pub. Loc. 1911, ch. 121.

Sec. 252. Sawmill and Tabor's Mill creeks, closed season for four years.
Pub. Loc. 1915, ch. 355.

Sec. 253. Fishing, hunting and baseball on Sunday, prohibited.
Pub. Loc. 1915, ch. 573.

Sec. 254. Hazel and Forney's creeks; closed season; limit on number;
wardens; punishment.
1909, ch. 247.

Sec. 255. Hazel Creek, amends Act 1905, ch. 281.
1907, ch. 426.

Sec. 256. Rainbow trout in Ocoa Township, size.
Pub. Loc. 1911, ch. 208.

Transylvania.

Sec. 257. Seining and trapping fish prohibited.
1909, ch. 128.

Watauga.

Sec. 258. Trout protected; where and when.
1899, ch. 285; Pub. Loc. 1915, ch. 622.

Sec. 259. Seine, trap, net, gig; trout; closed season.
1909, ch. 108; Pub. Loc. 1911, ch. 124; Pub. Loc. 1913, ch. 762.

Sec. 260. Dynamiting fish prohibited.
1909, ch. 895.

Yancey. (See, also, secs. 245, 246.)

Sec. 261. Written permission; closed season, when; fishways; explosives.
Pub. Loc. 1911, ch. 290; Pub. Loc. 1913, ch. 752, sec. 7.

b. Localities.

Sec. 262. Goodwin's Mill Pond, unlawful to shoot fish in.
1909, ch. 118.

Sec. 263. Grandfather Mountain streams; consent of owner.
Rev. 1905, sec. 2482; 1909, ch. 84.

Sec. 264. Hiwassee River; obstructions in.
Rev. 1905, sec. 2461.

Sec. 265. Moccasin River and Contentnea Creek; obstructions forbidden.
1907, ch. 615.

Sec. 266. Nantahala River, seines and nets prohibited.

Rev. 1905, sec. 2477.

Sec. 267. South Fork River, obstructions in.

Rev. 1905, sec. 2473.

Sec. 268. Trout; catching with seines; shooting; prohibited.

Rev. 1905, sec. 3418.



Orders, Rules, Regulations, etc., of Fisheries Commission Board Relative to the Fishing Industry of North Carolina, Passed at a Meeting Held at Morehead City, June 28 to July 2, 1915.

These regulations, rules, etc., are now the law governing those features and parts of the Fishing law to which they refer and to extent expressed.

Number of sections in marginal notes, where mentioned, has reference to State Fishing laws up to and including the Laws of 1915, compiled by Joseph B. Cheshire, Jr., for the Fisheries Commission Board.

First. Whereas, at a meeting of the Fisheries Commission Board, held at Washington, N. C., on April 29, 1915, the following order was made: "That no nets smaller than $1\frac{1}{2}$ inches bar before tarring shall be fished in the waters of North Carolina: *Provided*, that this shall not apply to nets fished exclusively for shrimp and menhaden: *Provided further*, that skim nets and cast nets only shall be used for catching of shrimp in Pender, New Hanover, and Brunswick counties";

Whereas, after due notice, meetings were held at Edenton, Manteo, Morehead City, and Wilmington to hear complaints and objections to said order: It is now ordered, that the said order of April 29, 1915, be modified as follows:

1. It shall be unlawful for any person, firm, or corporation to use in the waters of North Carolina any seine, net, or other appliances for catching fish having a bar of less size than $1\frac{1}{4}$ inches or a mesh of less than $2\frac{1}{2}$ inches: *Provided*, that nets having a bar of not less than $1\frac{1}{8}$ inches may be used for catching mullet from August 15th to November 15th in the ocean: *Provided further*, that this shall not be construed to modify or change any existing law prescribing a larger mesh or bar: *Provided further*, that pound nets having not less than $1\frac{1}{8}$ -inch bar may be used in all waters of the State where pound nets are allowed by law.

2. The use of anchor gill nets is prohibited in all the inland waters of the State.

Modification of former order.

3. The resolution of April 29, 1915, prohibiting the use of any nets and seines in Albemarle Sound and its tributaries from June 1st to January 1st, is hereby modified to read as follows: "The fishing of all nets and seines in Albemarle Sound and its tributaries west of a line from Caroon's Point to Powell's Point from May 20th to September 1st is hereby prohibited."

Nets and seines prohibited.

Menhaden.

4. Purse nets and purse seines having a bar of not less than $\frac{7}{8}$ inch may be used for catching menhaden in any waters of the State in which the use of purse seines and purse nets are not prohibited by law.

Shrimp.

5. Shrimp nets of smaller size mesh than $1\frac{1}{8}$ -inch bar may be used for catching of shrimp: *Provided*, that shrimp shall be taken with skim nets, cast nets, and trawl nets only, in the counties of Brunswick, New Hanover, and Pender.

Proviso.

Catching food fish with purse nets. See sec. 35 of Fishing Laws.

Second. It shall be unlawful for any person, firm, or corporation to fish for or catch any food fish other than mullet in any purse seine or purse net in any waters within the limits of Carteret County extending to the extreme limit of the State's jurisdiction in and over such waters, or to take or catch any mullets in any purse seine or purse net within 1,000 yards of the beach or ocean shore, or to take or catch any mullets within 1 mile in any direction from Beaufort Inlet, or to buy or market any food fish caught in purse nets, other than mullet.

Catching mullet between Moore's and Masonboro Inlets. Affects sec. 191.

Third. It shall be lawful to fish with set net and to catch mullet with seine along the beach on the ocean side between Moore's Inlet and Masonboro Inlet from August 15th to November 15th.

May set pound nets in portion of Carteret County in Pamlico Sound and Neuse River. See sec. 173.

Fourth. It shall be lawful to fish pound nets in that portion of Neuse River and Pamlico Sound west of a tripod to be erected on the shore of Pamlico Sound at a point 3 miles west of Harbor Island Lighthouse to Clubfoot Creek: *Provided*, that no pound nets shall be set within three-fourths of a mile on each side of the mouth of either channel leading into what is known as Back Bay, but is designated on the chart as Cedar Island Bay: *Provided*, that said nets shall extend only 2,000 yards from the shore.

May set nets any time in portion of Cape Fear River. See sec. 156.

Fifth. It shall be lawful to catch fish with seines and nets in the Cape Fear River in the counties of Brunswick and New Hanover at any time of the year except Sunday.

Fishing with seine with power boats in certain waters in Carteret County. See sec. 163.

Sixth. That it shall be lawful to pull any haul nets with gasoline power in Core Sound except in what is known on the chart as

Hog Island Bay, but is commonly known as Cedar Island Bay; the boundaries of the mouth of said bay to be a line extending from the mouth of Lewis's Creek an easterly course to a north and south line from the southwest point of Hog Island.

Seventh. That it shall be unlawful to use a landing or sweep net in Core Sound of smaller size mesh than $1\frac{1}{4}$ -inch bar. Size of sweep nets in Core Sound.

Eighth. That in the measurement of any net to determine the size mesh a standard measurement shall be determined by hanging a 1 pound weight to the mesh below the mesh to be measured, and the distance from knot to knot shall be the size of the mesh. Standard of measurement for nets.

Ninth. That it shall be unlawful for any person to buy, sell, offer for sale, have in his possession or unnecessarily destroy any fish of less size than the length specified for the several kinds of fish hereinafter mentioned, towit: Undersize fish, unlawful to buy, sell, have in possession, or destroy. See sec. 154.

Sturgeon, Moose, or pegging awl.....	5 feet.
Rockfish.....	12 inches.
Mackerel	12 inches.
Hickory shad	12 inches.
Grey trout.....	11 inches.
Speckle trout.....	11 inches.
Bluefish	10 inches.
Sheepshead	9 inches.
Sea mullets or kingfish.....	10 inches.
Red drum	12 inches.
Flounders	9 inches.
Mullet.....	9 inches.
Black bass.....	9 inches.
Ring perch	7 inches.
Croakers	8 inches.
Pompano	8 inches.
Spots	8 inches.
Hogfish	8 inches.
White perch.....	7 inches.

Measurements to be from the tip of the nose to the tip of the tail: *Provided*, that this shall not apply to any catch, quantities, or bulk of fish which does not exceed 10 per cent in number of such undersize fish: *Provided further*, that this provision shall

not be construed to prevent catches of smaller fish with hook and line for sport or personal use.

Shall not set nets within 300 yards of fishery, etc.

Tenth. That it shall be unlawful for any person, firm, or corporation to haul seines or nets within 300 yards of any established fishery; or to have or set more than one line of stakes for the purpose of fishing nets thereto; or to set such stakes within 150 yards of the center of the channel of Cape Fear River; or to fish any drift net for shad or sturgeon, greater in length than two-thirds the width of the channel at that point where said net is fished; or to catch any white shad between the 15th day of April and the 1st day of February following, or to fish for white shad or to obstruct the through passage of same in the waters of Cape Fear River and its tributaries, from its mouth to its source, between the hours of 1 o'clock p. m. on Saturday until sunrise the following Monday during the open season for catching white shad in said river and its tributaries.

Kind, length of net, and time for setting in Cape Fear River.

Eleventh. That it shall be unlawful to offer for sale or ship any clams of less than $1\frac{1}{2}$ inches measurement from hinge to mouth across the center.

Clams under $1\frac{1}{2}$ inches not to be sold.

Twelfth. No pound net shall be set in the following territory: adjacent to Hatteras Inlet, commencing at Barney Slough Light, running north by west one-half west, 10,000 yards; thence west by south one-half south, 3,000 yards; thence south by east one-half east to Hatteras Inlet. All stands of nets set north of this line shall run a north-northwest course and all stands of nets set south of this line shall run a north-northeast course, and any lead of said nets may commence in 4 feet of water, extending only 2,000 yards in Pamlico Sound.

Restricted territory for setting pound nets at Hatteras Inlet. See secs. 109 and 143.

Thirteenth. No two or more stands of pound nets shall be joined together with headers or nets of any description.

No two stands of nets to be joined together.

Fourteenth. Pound nets may be set on a line from the black buoy on Pingleton Shoal to the black buoy on Gibbs Shoal and from Gibbs Shoal to Gull Shoal Lighthouse, extending inshore 2,000 yards.

Territory for setting nets restricted in certain portions of Hyde County.

Fifteenth. It shall be lawful to set pound nets on a line commencing at the black buoy, a westerly course, from Long Point on the south side of Kitty Hawk Bay, running 3,000 yards a north-

May set pound nets south side Kitty Hawk Bay in Albe-marle Sound.

west course and 500 yards a southeast course from said buoy, extending 2,000 yards at right angles a southwest course from said line in Albemarle Sound.

Sixteenth. It shall be unlawful to fish nets of any character in the following territory (except such as are set from Hog Island and Roanoke Marsh), commencing at a black buoy, south-southeast from Roanoke Marshes Lighthouse, running an easterly course to a point on the south side of Oregon Inlet, and from a line drawn an easterly course from the black buoy, or 1,000 yards from the Hog Island Marsh to the southeast point of Duck Island to the beach north of Oregon Inlet. It shall be unlawful to set any pound net closer to the No. 4 Red Buoy, marking the entrance to Stetson Channel, than 3,000 yards on a line running south-southeast to Big Island.

Restricted territory in certain portion of Dare County. See sec. 143.

Seventeenth. It shall be lawful to set gill nets south of a line running from the black buoy a south-southeast course from Roanoke Marshes Lighthouse, an easterly course on the south side of Oregon Inlet: *Provided*, they shall not be set within a radius of 2 miles from the center of Oregon Inlet.

May set gill nets in certain sections of Dare County. See sec. 143.

Eighteenth. It shall be lawful to set pound nets from a line 200 yards easterly from Broad Creek Point, in Roanoke Sound, thence a southerly direction to a point 1,000 yards easterly of the marsh on the south side of the Cut-Through Creek; thence a southwesterly direction to the Red Spar Buoy, No. 6, off Hog Island Marsh; thence a westerly course with the marsh 1,000 yards off the west point of Hog Island Marsh; thence a northwesterly course to the north point of Big Island.

May set pound nets in certain portions of Dare County, Albemarle Sound. See sec. 143.

Nineteenth. It shall be unlawful to set any nets between Broad Creek Point and Ballast Point in Roanoke Sound during the shad fishing season.

No nets to be set in certain parts of Roanoke Sound during shad season. See sec. 150.

Twentieth. It shall be lawful to fish pound nets inside of a line commencing at Eastmas Narrows Point in Croatan Sound, running 9,000 yards a north by west one-half west course to a line one-fifth the width of the sound at Pork Point; thence 3,900 yards a northwest by north one-eighth north course to a line one-fifth the width of the sound at Weirs Point, continuing one-fifth the width of Croatan Sound.

May set pound nets in certain waters of Croatan Sound. See secs. 127 and 143.

May set pound nets in certain waters of Croatan Sound. See secs. 127 and 143.

Twenty-first. It shall be lawful to set pound nets inside of a line commencing at Red Stone Point in Croatan Sound, one-fifth the width of the sound, from the shore, running a northwest three-quarters north course to the Black Spar Buoy, No. 7, a southwesterly course from Croatan Lighthouse, on to the black can buoy off Caroon's Point, extending on the same course 2,000 yards: *Provided*, no pound nets shall extend in the sound beyond this line to the limits above mentioned.

May set pound nets in certain waters of Croatan Sound. See secs. 127 and 143.

Twenty-second. It shall be lawful to set pound nets to a line extending 600 yards in Croatan Sound from Roanoke Marshes running a north by west one-quarter west course 9,800 yards to a point one-fifth the width of the sound, from Fleetwood Point, thence a line northwest by north three-quarters north to a point one-fifth the width of the sound from Red Stone Point.

Every stand of nets to be marked.

Twenty-third. Every stand of pound or gill nets shall have a stake at each end of the stand with a board 2 feet long by 8 inches wide fastened onto the said stake, which shall be marked in black letters 2 inches long, the name, post-office address, and number of the nets of the owner thereof, and it shall be unlawful to fish such nets without such board so marked.

No new nets of smaller bar than $1\frac{1}{2}$ and $1\frac{1}{4}$ inches to be installed.

Twenty-fourth. No new pound nets of smaller mesh than $1\frac{1}{2}$ -inch bar or haul nets of smaller mesh than $1\frac{1}{4}$ -inch bar shall be bought and installed after this date (June 29, 1915), and it shall be unlawful to install any such nets of smaller bar than herein mentioned.

RULES AND REGULATIONS GOVERNING THE OYSTER INDUSTRY.

May dredge oysters north of Bluff Bay and Ocracoke Inlet. See sec. 88.

Twenty-fifth. It shall be lawful for any person, duly licensed, to use scoops, scrapes, or dredges or other instrument or instruments for the purpose of taking or catching oysters from the public oyster grounds or natural oyster beds in the waters of Pamlico Sound north of a line running from West Bluff Bay to the center of Ocracoke Inlet.

May dredge oysters in Cedar Island Bay, Carteret County, Pungo and part of Neuse rivers.

Twenty-sixth. It shall be lawful to use scoops, scrapes, or dredges in the waters of Cedar Island Bay in Carteret County and in the waters of Pamlico Sound and Neuse River to a line from Whitakers Creek on Neuse River to Adam's Creek Beacon, and in the waters of Pungo River.

Twenty-seventh. It shall be unlawful for any person to use scoops, scrapes, or dredges for the purpose of taking or catching oysters within a line from Hog Island to Gull Shoal Lighthouse and from Gull Shoal Lighthouse to Long Point, at any time; and in the waters of Pamlico Sound north of a line running from Long Shoal Light to Gull Shoal Life-saving Station, from the 15th day of February of each year to the 1st day of October following; and inside of a line from Shad Point to Pingleton Buoy and from Pingleton Buoy to Pingleton Point, at any time.

Shall not dredge oysters on Gull Rock and Pingleton Point. Close season north of Long Shoal 15 February to October 1st.

Twenty-eighth. It shall be lawful to take or catch oysters with scoops, scrapes, or dredges south and east of a line from Bay Point, on the north side of Bay River, to Brant Island, and north and east of a line from Brant Island to Porpoise Point.

Restricted territory in Pamlico Sound.

Twenty-ninth. It shall be lawful for boats, 30 feet in length over all and under, to take or catch oysters with scoops, scrapes, or dredges in Swan Quarter Narrows.

May dredge oysters in Swan Quarter Narrows with boats 30 feet in length and under.

Thirtieth. It shall be unlawful for any person, firm, or corporation to take or catch oysters from the public grounds or natural oyster beds of the State from the 15th of April to the 1st of October, but may take or catch oysters between October 1st and April 15th following of any year. The territory in Rules 27 and 28 excepted.

Close season to take or catch oysters 15th April to 1st of October. See secs. 67, 78, 85, 86, 88.

ED. CHAMBERS SMITH,

W. M. WEBB,

Chairman.

Secretary.



Orders, Rules, Regulations, etc., of the Fisheries Commission Board Relative to the Fishing Industry of North Carolina, Passed at a Meeting of the Board Held at Morehead City, N. C., September 21, 1915, and February 21, 1916.

These Rules, Regulations, etc., are now the law of the State, governing the fishing industry of the State, as expressed in said Rules and Regulations, and are of equal force and effect with the provisions of the act of the General Assembly of North Carolina, Public Laws of 1915, chapter 84.

First. That section 2 of Rule "First" of the Rules and Regulations of the Fisheries Commission Board, passed at meeting of Board June 28-July 2, 1915, is hereby suspended until, and shall not become operative until, October 1, 1916, but shall conform to Rule 23 of said Board, passed at said time, requiring boards at each end of such nets marked as prescribed in said Rule 23.

Rule "First" of Board, passed June 28-July 2, 1915, suspended until Oct. 1, 1916, shall conform to Rule 23.

Second. It shall be lawful to join six nets together, for the purpose of temporary fishing, of the size and length mentioned in chapter 130, Public Laws 1911, when so joined total length of nets not to exceed 825 yards: *Provided*, that not less than six men shall be permitted to fish the nets thus joined together: *Provided further*, that this rule applies to the territory mentioned in and in all other respects intended to be confined to provisions of chapter 130, Laws of 1911.

See chap. 130, Public Laws 1911, sec. 171, Fishing Laws, privileges extended.

Third. It shall be lawful, for the purpose of landing a set net on the ocean side of the beach in Carteret County, to tie two set nets together, at the time of landing, the last net serving as a warp.

May tie two nets together, purpose of landing net on beach.

Fourth. That Rule "Fourth" of the Fisheries Commission Board, passed at its meeting at Morehead City, June 28 to July 2, 1915, be amended as follows: By striking out the words, "*Provided, that said nets shall extend only 2,000 yards from the shore,*" and inserting in lieu thereof the following: "*Provided, that pound nets shall not be set within 250 yards of the shore from June 1st to January 1st, extending only 1,750 yards therefrom in the sound*": *Provided further*, that the owners of said nets shall remove all stakes within five days after removal of nets, and shall give the Fisheries Commissioner five days notice of the removal of their stakes, that the Commissioner may, if he deems it necessary, have a representative present during the removal of said stakes. Said Rule "Fourth" as amended, and is now law, reads as follows, to wit:

Rule Fourth of Board, passed July 2, 1915, amended.

"Fourth. It shall be lawful to fish pound nets in that portion of Neuse River and Pamlico Sound west of a tripod to be erected

Rule Fourth as amended.

on the shore of Pamlico Sound at a point three miles west of Harbor Island Lighthouse to Clubfoot Creek: *Provided*, that no pound nets shall be set within three-fourths of a mile on each side of the mouth of either channel leading into what is known as Back Bay, but is designated on the chart as Cedar Island Bay; *Provided*, that pound nets shall not be set within 250 yards of the shore from June 1st to January 1st, extending only 1,750 yards therefrom in the sound: *And provided further*; that the owner of said nets shall remove all stakes within five days after removal of nets, and shall give the Fisheries Commissioner five days notice of the removal of their stakes, that the Commissioner may, if he deems it necessary, have a representative present during the removal of said stakes."

May set pound nets Jan. 1 to May 1, east side Wainwright Channel 800 yards.

Fifth. It shall be lawful to set pound nets from January 1st to May 1st from a point beginning on the east side of Wainwright Channel, at the southwest point of Hodges Reef, running a north course with the contour of the reef a distance of five nautical miles. Said nets to begin at the reef and extend only 800 yards in the sound: *Provided*, that no net shall have less than a two-inch bar to be used in said limits.

Time for fishing in Atlantic Township, Currituck County, extended.

Sixth. The open season for fishing in Atlantic Township, Currituck County, shall be from October 1st until April 1st following in any year. The lines of said township, for fishing, shall be same described in first paragraph of section 619, Public Laws of 1909.

Privilege extended to any citizen, in any county, to propagate diamond back terrapin.

Seventh. It shall be lawful for any *bona fide* citizen of this State to cultivate and propagate the diamond-back terrapin in any county of the State, under the same rules, provisions and restrictions mentioned and set forth in chapter 402, Private Laws of 1913, and chapter 58, Public Local Laws, Special Session 1913, as are permitted and allowed citizens of Carteret County under said acts.

Fishing within three miles of any lock in the Cape Fear River prohibited.

Eighth. That it shall be unlawful for any person or persons, firm or corporation to fish with any kind of net, trap or fyke in the Cape Fear River within three miles, on either side, of any lock in said river.

Rule Ninth of Board, passed July 2, 1915, amended, reducing size of fish and striking out ten-per-cent proviso.

Ninth. That Rule "Ninth" be amended as to size of fish, etc., so that the minimum size of trout shall be nine instead of eleven inches in length and mullet eight instead of nine inches, passed at meeting September 21, 1915; and by striking out all the first proviso in said rule, which reads as follows: "*Provided*, that this shall not apply to any catch, quantity or bulk of fish which does not exceed ten per cent in number of such undersize fish," and by striking out the word "further" immediately after the word "*Provided*" in last provision of said Rule Ninth and otherwise amended by order and rule passed at meeting held February 21, 1916, so that said rule and law shall now read as follows, to wit:

Rule Ninth as amended.

"Ninth. That it shall be unlawful for any person, firm or corporation to take, buy, sell, offer for sale, have in his or their

possession, or unnecessarily destroy, anywhere in the State of North Carolina, any fish of less size than the length specified for the several kinds of fish hereinafter mentioned, to wit:

Sturgeon, moose, or pegging awl.....	5 feet
Rockfish	12 inches
Mackerel	12 inches
Hickory shad	12 inches
Grey trout	9 inches
Speckled trout	11 inches
Blue fish	10 inches
Sheepshead	9 inches
Sea mullet or king fish.....	10 inches
Red drum	12 inches
Flounders	9 inches
Mullet	8 inches
Black bass	9 inches
Ring perch	7 inches
Croakers	8 inches
Pompano	8 inches
Spots	8 inches
Hogfish	8 inches
White perch	7 inches

Measurements to be from the tip of the nose to the tip of the tail: *Provided*, that this provision shall not be construed to prevent catches of smaller fish with hook and line for sport or personal use."

Tenth. That it shall be lawful to take or catch clams of regulation and lawful size, from the waters of Pender, New Hanover and Brunswick counties from October 1st to May 1st following.

May take clams, lawful size, Oct. 1 to May 1, in Pender, New Hanover, and Brunswick counties.

Eleventh. It shall be lawful to catch drum in any of the inlets of this State, but shall be unlawful for any person, firm or corporation to catch any drum in any of the inlets of the State with net having a smaller bar than four and one-half inches or mesh of nine inches.

May catch drum in inlets with 4½-inch bar nets.

Twelfth. That Rule "Twelfth," as passed at the meeting of the Board, June 28 to July 2, 1915, providing no pound nets to be set in certain territory adjacent to Hatteras Inlet, be amended as to lines for restricted territory and otherwise amended, and not repealed, so that said Rule "Twelfth" shall read as follows:

Rule Twelfth, passed by Board July 2, 1915, amended as to lines and otherwise.

"Twelfth. That it shall be unlawful for any person or persons to set or fish any net of any description in the following territory near Hatteras Inlet: At a line at or near Outside Beacon Light in Pamlico Sound, about three miles from the shores of Hatteras, running southwest three-quarters south, lay off a line 500 yards on each side of center of channel, and from northeast end of said line run a line to pass through a point 500 yards southwest one-half south from Hatteras Inlet Light 7,450 yards (no nets to be

set southwardly of this line and between this line and the next two mentioned lines), and from southwest end of said first line run a line northwest seven-eighths west 3,850 yards to a point 2,000 yards southwest one-half south from Hatteras Inlet Light; thence west by north one-quarter north 4,200 yards (no nets to be set northwardly of last two lines or between last two lines and second above mentioned lines); and that all nets adjacent to the lines shall be set at right angles to lines mentioned above as restricted territory. Jump-backs not to exceed 100 yards of lead are allowed, provided they do not extend more than one-third ($\frac{1}{3}$) the distance between any two stands of nets. And it shall be unlawful to set or fish any net within a radius of 3,500 yards from the south point of beach on north side of Hatteras Inlet."

May set stake gill nets in Neuse and Trent rivers above point where Trent River empties into Neuse River.

Thirteenth. That it shall be lawful to set stake gill nets in Neuse River above the point where the Trent River empties into the Neuse River, and shall be lawful to set stake gill nets in Trent River to upper Tucker Bridge over said river, subject, however, to any and all provisions and restrictions mentioned and set forth in section 138 of the Fisheries Laws, being section 2455, Revisal of 1905.

Unlawful to set nets in Neuse or Trent rivers within 150 yards either side of railroad or county bridges.

Fourteenth. That it shall be unlawful for any person, firm or corporation to set or fish any kind of net whatsoever in Neuse or Trent rivers above the point of intersection, within 150 yards of any railroad or county bridge crossing either of said rivers.

Unlawful to take fish from Pembroke Creek, Chowan County, except for purpose of propagation.

Fifteenth. It shall be unlawful for any person, firm or corporation to take or catch any fish of any kind, at any time, with any appliance or apparatus from the waters of Pembroke Creek, Chowan County, N. C., except under the direction and supervision of the United States Bureau of Fisheries. Privilege is hereby granted the United States Bureau, or any one under its direction, to take any kind of fish from said creek at any time for purpose of propagation.

Unlawful to take fish from natural streams except with basket or hook and line in Ashe, Wilkes, Watauga, and Caldwell counties. Size of fish to be taken.

Sixteenth. That it shall be unlawful for any person or persons, firm or corporation, to catch or kill any fish of any kind with seine or trap nets, gigs or snares, or by means of poison or explosions of any kind, or otherwise destroying any fish, except with hook and line, in any of the waters of the natural streams, rivers or creeks in the counties of Wilkes, Ashe, Watauga, and Caldwell. And it shall be lawful to take with hook and line or any other appliance or apparatus whatsoever any fish of any kind from any of the aforesaid waters in any of said counties under the size of six (6) inches.

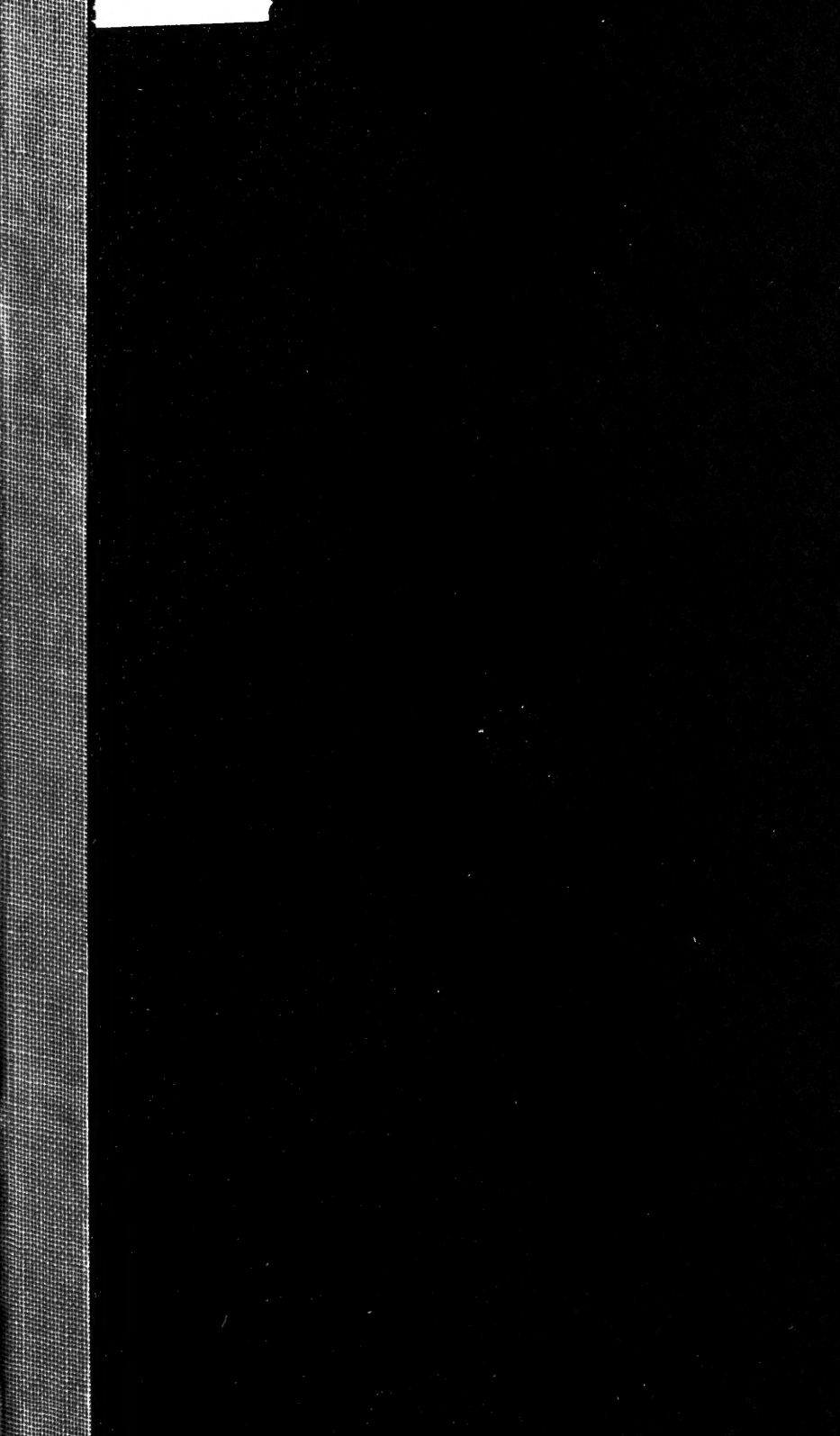
Chairman and Commissioner may suspend any rule and regulation pending meeting of Board.

Seventeenth. The Fisheries Commission and the Chairman of the Fisheries Commission Board is hereby empowered and authorized to suspend the operation of any rule or regulation of the Board in regard to the fishing industry for not more than thirty days, pending a meeting of the Board.

ED. CHAMBERS SMITH,

W. M. WEBB, *Secretary.*

Chairman.



LIBRARY OF CONGRESS



0 002 880 391 6