

Instructions Regarding Awards of Fishery Privileges

(Sec. 398, Compilation of Provincial Circulars)

The following instructions are hereby issued for the information and guidance of the officials concerned:

(1) All government-owned fisheries, unless weighty reasons are given to the contrary, shall be let to the highest and best bidder. (Section 2323 in connection with section 2319, Adm. Code.)

(2) The inhibition contained in section 2176 of the Administrative code against the holding of pecuniary interests in any municipal contract by municipal officials applies to lease contracts of the privilege of fishery or the right to conduct fish-breeding grounds.

(3) In every municipality where such fisheries exist, the municipal council thereof shall enact an ordinance classifying its fisheries by zones or by appropriate names, fixing the minimum price for which each fishery shall be let, and prescribing the procedure of conducting the auction. (Sections 2321 and 2323, Adm. Code.) The municipal treasurer as fiscal officer of the municipality shall first be consulted and his opinion thereon obtained before such ordinance is adopted.

(4) A privilege of fishery or right to conduct a fishbreeding ground may be let for a period of one year, beginning with the first day of the month of January, or, upon the previous approval of the provincial board and the Secretary of the Interior, for a longer period not exceeding five years. (Section 2323 in connection with section 2319, Administrative Code.)

(5) A new resolution or ordinance providing for the letting of fisheries effective in any year must be enacted by the municipal council in the month of October or earlier of the year immediately preceding it.

(6) Auction of fishery privileges shall be conducted not later than the end of the month of November prior to the year in which the lease should take effect and no auction shall be held unless sufficient publication of the same

has been made by the posting of notices at the municipal building, the market and other conspicuous places as the municipal council may determine and by a "bandillo" or town crier ten days before the date of the auction.

(7) In cases where fisheries are to be let for a period exceeding one year, the resolution of the council granting the privilege to the successful bidder shall be forwarded to the Secretary of the Interior for approval, through the provincial treasurer, the provincial board and this Office ¹soon after its passage, so as to enable the council to conduct the auction on or before the end of November as provided in the next preceding paragraph. In such cases, no auction shall be held pending advice of the approval of the Secretary of the Interior. Meanwhile, however, if the circumstances so require, to protect the interests of the municipality concerned, the notices and "bandillo" mentioned in the preceding paragraph may be published.

(8) In letting the privilege of fishery or fish-breeding ground in accordance with the provisions of law cited above, the municipal council must require of the successful bidder, to insure compliance with the terms and conditions of the contract, a bond in the sum double the amount of his liability under such contract due for one year to be executed by two or more persons possessing real property assessed at not less than the amount stated in the bond, and accompanied by a certificate from the municipal treasurer certifying to the sufficiency of the real property owned by the sureties on the bond. Municipal officials or employees hereby are prohibited from being sureties on the bonds.

(9) Based upon the conditions and circumstances obtaining in each locality and the customs or practices observed by fishery contractors and fishermen therein, the municipal council,

(1) *Former Executive Bureau*

before holding the public auction herein mentioned, may adopt an ordinance prescribing the maximum amount of fees the contractors or lessees shall exact upon fishermen, with the view to protecting the general public which may suffer from exorbitant prices of fish.

(10) In no case shall the payment due or to be due under the contract be remitted, and no request for extension of time for the payment thereof shall be granted except only in case of losses resulting from *force majeure* and provided that the previous approval of the Secretary of the Interior to the extension of time shall have been obtained.

(11) The privilege of fishing granted a private party by any local government should not be understood as to carry with it the privilege of fishing by unlawful means, such as dynamite and poison. Provincial governors are specially requested to see that the provisions of sections 1 and 2 of Act No. 1499, as amended by Act No. 1685, and section 1 of Act No. 2255 are enforced to the letter in order to avoid the practice of fishing by unlawful means. For this purpose, proper instructions should be issued to municipal officials who must be made to understand that any failure on their part to fulfill their duties in this regard will be severely dealt with. Provincial and municipal officials under the jurisdiction of the Executive Bureau (now Department of the Interior) are instructed to cooperate fully with the Constabulary and to do everything possible to prevent the continuance of this practice.

(12) In granting licenses for fishing by means of corrals or traps, municipal councils should make provisions in the ordinance for a free passage of fish by lifting that portion of the corrals or dam which contains the pen or traps, for at least twenty-four consecutive hours each week. This will enable a reasonable number of fish to reach their spawning grounds. Provisions should also be made to have a section of the trap so constructed that it can

readily be opened or closed to permit the passage of launches and boats.

Prov. Cir. Nos. 153, 244, 245 and Unnumbered Prov. Cir., Oct 3, 1921; Apr. 13 1925; June 26, 1924.

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EACH IN HIS PLACE

by Angelo Patri

Never before had a muskrat seemed beautiful—but then, the only ones I had ever seen had been removed far from their homes in the brookside. To be as lovely as it is in them to be, all nature's creatures must be free, must dwell in the place and the circumstances for which they were fitted in the beginning—bird in the sky, the fish in the sea, the man in his chosen field.

My farmer friend is a most unhappy creature when he is forced to attend a social function. He wiggles and squirms until he gets behind a sheltering door and makes his escape at the first possible moment. On the farm he is another person. He stands like a monarch surveying his kingdom. He is the man he was intended to be, in the place that he knows to be his own.

False ambition has not cheated him; greed has not blighted his soul; discontent has not robbed him of serenity; envy has not embittered him; peace has set the light of the Celestial City in his face, put power in his mind and grace in his being. He is a Man.

There is a place in this life where each of us fits. It is our mission to find it and glorify it.

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