



CHAPTER 28

An Act to amend the Quebec Fisheries' Act with respect to fishways

[Assented to, the 4th of April, 1929]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. The Quebec Fisheries' Act (Revised Statutes, 1925, R. S., c. 83, chapter 83) is amended by replacing sections 33 and 34 thereof by the following sections:

33. 1. No person, firm or corporation may construct or maintain a dam, barrage, gate-locks or other obstruction across a river or stream or at the entrance or discharge of a lake, unless such dam, barrage, gate-locks or other obstruction be provided with a fishway or fish ladder, at the place, of the type and of the capacity approved of by the Minister in writing.

No construction in rivers, without fishways.

2. Every one who infringes the provisions of this section shall incur a penalty of twenty-five dollars for each day during which the dam, barrage, gate-locks or other obstruction remain unprovided with a fishway or fish ladder.

Penalty.

3. The penalties collected under this section belong entirely to the Crown, and suits for their recovery are prescribed by five years.

Belongs to Crown; no prescription.

34. 1. The person, firm, or corporation, owner or possessor by any title whatsoever of a dam, barrage, gate-locks or other obstruction, constructed or placed in the waters of this Province before the 4th of April, 1929, not provided with a fishway or fish ladder, or provided with a defective fishway or fish ladder, shall, within two years from the written notice given to him by the Minister, construct the works necessary to provide such dam, barrage, gate-

Construction of certain works.

locks or other obstruction with a fishway or fish ladder, or necessary to repair and improve the said defective fishway or fish ladder.

Powers of Minister.

2. The Minister,—

a. after the expiration of the two years from the notice given under subsection 1 of this section, in cases therein provided, or

b. in the case of the construction of a dam, barrage, gate-locks or other obstruction, constructed or placed in the waters of the Province after the 4th of April, 1929, not provided with a fishway or fish ladder, or, where provided therewith, if same be defective,—

may, in default of the person, firm or corporation constructing such fishway or fish ladder, or repairing or improving same where defective, within the delay fixed for such construction or repair in the notice given to the person, firm or corporation in default, himself cause to be executed the works of construction, reconstruction, repair or improvement of any fishway or fish ladder; and, by action before a competent court, may recover, from the owner or possessor of the dam, barrage, gate-locks or other obstruction, all necessary expenses incurred, with the costs of the action.

Entry upon lands, etc.

3. The persons entrusted by the Minister with the carrying out of such work may enter upon the land of the owner or possessor in default and there perform all operations necessary to its carrying out; and whoever interferes with the proceedings of such persons, in any manner whatsoever, shall incur the penalties imposed by section 33.

Discharge from obligation to build fishway.

“**34a.** On a report of the Minister to the effect that there is no occasion to require that the dam, barrage, gate-locks or other obstruction to be built or maintained be provided with a fishway or fish ladder, the Lieutenant-Governor in Council may discharge the person, firm or corporation from the obligation imposed by section 33.

Report.

“**34b.** 1. Every person, firm or corporation, owner or possessor under any title whatsoever of a dam, barrage, gate-locks or other obstruction built or placed in the waters of the Province before the 4th of April, 1929, is bound, under the penalties enacted in subsection 2 of section 33, to transmit to the Minister a report stating whether such work is provided or not with a fishway or fish ladder.

Additional information.

2. The Minister may at all times require any information, explanation and documents which he deems expedient, respecting the fishways or fish ladders.

“34c. Whenever the plans and specifications for the building and maintenance, in the waters of the Province, of barrages, gate-locks, dams or other accessory works have to be submitted for the previous approval of the Lieutenant-Governor in Council or of the Minister of Lands and Forests, such plans and specifications cannot receive such approval unless they be accompanied by a report in writing from the Minister stating that he is satisfied with the fishway or fish ladder which such plans and specifications provide for or that, in his opinion, there is no occasion to provide therefor.

“34d. The provisions of Division XI of this act (sections 38 to 54) do not apply to suits taken under this Division, which suits are governed by the provisions of the Quebec Summary Convictions Act (Chap. 165).”

3. This act shall come into force on the day of its sanction.