

replacing the words : “ between the first day of July and the first day of September,” in the ninth line, by the words : “ between the fifteenth day of June and the fifteenth day of September.”

4. This act shall come into force on the day of its sanc- Coming into
force.
tion.

CAP. XXIII

An Act respecting Fisheries and Fishing

[Assented to 25th February, 1899]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Section seventh of chapter sixth of title fourth of the R. S., arts. Revised Statutes, comprising articles 1374 to 1395, inclu- ^{1374 to 1395,} sively, as well as the laws amending the same, is repealed ^{replaced.} and replaced as follows :

“SECTION VII

FISHERY ACT

§ 1.—*Interpretative provisions*

“ **1374.** This act may be designated and cited as the Name of act.
‘ Quebec Fisheries Act.’ ”

“ **1374a.** The following words, wherever used in this sec- Interpreta-
tion :
tion or in the regulations or instructions under the provisions thereof, have the signification hereinafter assigned to them :

1. The words “ provincial waters ” mean and include the Provincial
waters ;
seas, gulfs, bays, rivers, lakes and water-courses within the limits of the Province of Quebec over which this Legislature has jurisdiction, or which belong to the Province, whether they are or are not under lease or license ;

2. The word “ Commissioner ” means the Commissioner Commission-
er ;
of Lands, Forests and Fisheries. R. S. Q., 1236 ; 60 V., c. 22, s. 10.

3. The words “ fishery overseer ” designate every person Fishery over-
seer ;
invested with the powers of such office. R. S. Q., 1374.

4. The words “ lease ” or “ fishing lease ” designate the Lease, fishing
lease ;
deed of lease of lands bordering on or enclosing non-navigable waters, for the purpose of rod and line fishing on the said waters.

They also designate the deed of lease for the same purpose of the navigable portion of a salmon river whereof a part is not navigable.

License ;

5. The words "license" or "fishing license" designate the title conferring the right to fish and to carry on fisheries in the portions of the navigable or non-navigable waters therein described, by means of lines, nets, seines and other apparatus or instruments not prohibited by law or the regulations.

Special license.

6. The words "special license" designate the authorization conferring, upon a person not domiciled in the Province, the right to fish in the waters of the Province in conformity with the law and regulations.

§ 2.—Fishing

Line fishing and rod and line fishing.

"1375. Line fishing and rod and line fishing are alone permitted in navigable waters, and rod and line fishing only is permitted in the non-navigable waters of the Province.

Licenses for all other manner of fishing. Residents do not require license.

For any other mode of fishing a license under article 1391 is required.

Strangers require license.

2. Persons having their domicile in the Province do not require licenses to angle in the waters of the Province which are not under lease.

3. Any person, not having his domicile in the Province, who desires to fish therein, must, before beginning to fish, procure a special license to that effect from the Commissioner or from any person authorized for that purpose.

Fee required.

The fee required is determined, in each case, by the Commissioner, but shall never be less than ten dollars. R. S. Q., 1378, §§ 1, 2, 3.

Duration of license.

4. Licenses are valid only for the time, place and persons therein indicated. R. S. Q., 1378, § 4.

§ 3.—Fishing leases and licenses

I.—GENERAL PROVISIONS

Leases and licenses for nine years may be issued by Commissioner.

"1376. The Commissioner may, wherever the exclusive right to fish does not exist, grant leases authorizing fishing in the non-navigable rivers and lakes in the Province, or issue licenses authorizing fishing in the waters of the Province, for a term not exceeding nine years.

For longer time to be issued under order in council.

Leases or licenses for a longer time, but not exceeding fifteen years, are granted or issued only under the authority of the Lieutenant-Governor in Council. R. S. Q., 1375 ; R. S. C., c., 95 s. 4.

Control of fishing rights by the Commissioner for

"1377. The Commissioner may, with the consent of the owners and for the purposes of management only, assume the control of fishing rights pertaining to granted lands

situate along any of the provincial waters, with a view of giving them greater value, or of leasing the same or of issuing licenses respecting the same, as the case may be, in conjunction with those pertaining to ungranted lands along such waters. R. S. Q., 1377, § 1.

“1378. Tenants and licensees shall comply with the federal and provincial laws and the regulations from time to time made by the Governor in council or the Lieutenant-Governor in council, and also with the conditions and restrictions of their leases or licenses.

Conditions imposed upon tenants and licensees.

II.—FISHING LEASES IN NON-NAVIGABLE RIVERS AND LAKES

“1379. Sales and gratuitous grants of lands belonging to the Crown are subject to a reserve, for fishing purposes, of three chains in depth of the lands bordering on non-navigable rivers and lakes in the Province.

Reserve for fishing purposes.

The Commissioner may, however, reduce the depth of the said reserve, or renounce thereto, in the case of sales of islands and of lands of small extent or when he may consider it in the public interest.

Depth may be reduced, &c.

Such lands, as well as these already reserved for that purpose, may be leased in the manner provided by article 1376. R. S. Q., 1375, §§ 1. 2.

Lease of such lands.

When a salmon river is partly navigable and partly non-navigable, the navigable portion thereof may be leased with the non-navigable portion or by a separate lease.

Salmon river in part navigable.

“1380. The leases of lands conferring fishing rights are made in the name of one person or of a club incorporated under a special charter or under section second of chapter fifth of title eleventh of these Revised Statutes respecting clubs for the protection of fish and game. R. S. Q., 1376, § 4.

Leases of lands conferring fishing rights to whom grant ed.

“1381. If, in consequence of any incorrectness in the survey, or other errors or causes whatsoever, it be discovered that a lease includes lands already comprised in a lease of a prior date, the lease last granted is null in so far as it concerns such lands; and the holder or possessor of such lease thus annulled in part shall have no right to claim an indemnity or compensation for the fact that his lease has become partially null. R. S. Q., 1376, § 1, *in fine*.

Nullity of lease of lands, if comprised in one already granted.

“1382. The rent shall be paid in advance, and any lessee who fails so to pay in advance shall not have a right to the renewal of his lease. R. S. Q., 1376, § 7, *part*.

Payment of rent.

“1383. The lease confers upon the lessee, for the time therein determined, the right to take and retain exclusive

Rights of lessee.

possession of the lands therein described, subject to the regulations and restrictions which may be established, and gives him the exclusive right to fish in the waters fronting on such lands in conformity with the provincial and federal regulations, then in force, and also to prosecute in his own name any illegal possessor or offender against any provision of this act, and to recover damages, if such exist, but not against any person who may pass over such lands or the adjacent waters, or who engages in any occupation not inconsistent with the provisions of this section, nor against the holder of a license to cut timber, who has, at all times, in accordance with his license, the right to cut and remove trees, lumber and sawlogs and other timber, within the limits of his license, and, during the term thereof, to make use of any floatable river or water-course, or of any lake, pond or other body of water and the banks thereof for the conveyance of all kinds of lumber and for the passage of all boats, ferries and canoes required therefor, subject to the charge of repairing all damages resulting from the exercise of such right.

Right of passage reserved for certain purposes.

The general right of passage to and from the water shall also be reserved in leases in favor of the occupants, if any, under title from the Crown, of lands immediately in rear of those leased. R. S. Q., 1376, § 2.

Confiscation of fish caught without permission of lessee, &c.

“**1384.** If any person, without the permission of the lessee, or his representatives, fishes or causes any other person to fish, or assists him in fishing in waters in front of land leased, he shall not acquire any right to the fish so caught, which may be forfeited and become the absolute property of the lessee, and such person shall therefor be liable to the fine or the imprisonment mentioned in article 1394 *m.* R. S. Q., 1376, § 3.

Reserve of lakes in new townships, &c.

“**1384a.** The Lieutenant-Governor in Council shall reserve, in each new township, one or more lakes or rivers in which the residents of such township may freely fish for the subsistence of themselves and their families only, by complying with the laws in force on the subject, and such reserve shall continue to exist until the lands bordering on such lakes or rivers shall be sold. R. S. Q., 1376, § 3.

Guardians to be appointed by lessees.

“**1385.** Each lessee shall be bound to establish and maintain, in the territory covered by his lease, an efficient guardianship, to secure a complete protection of the fishery rights belonging to him.

Responsibility of lessees for damage, &c.

He shall further be answerable for damages caused, by himself or by the persons under his control, to the timber growing on said territory, or on the adjoining territory, either from waste or from want of sufficient precaution in lighting, watching over or putting out fires; and it shall be

incumbent on him, in case of damage done by fire, to prove that all necessary precautions have been taken. R. S. Q., 1376, § 5.

"1386. Excessive or wasteful fishing or fishing during prohibited seasons shall also involve the cancellation of the lease covering the waters in which it has taken place, with the knowledge or participation of the lessee. Revocation of leases in certain cases.

The lessee, who has been so guilty, shall not obtain another lease or license to fish within the limits of the Province, during the five years which follow such cancellation of lease. R. S. Q., 1376, § 8. Effect of revocation.

"1387. No lessee or his representative shall have the right to sublet any privilege granted him under the provisions of this section, without first notifying the Department of Lands, Forests and Fisheries, and receiving the written consent of the Commissioner or of some other person authorized to give such consent. Subletting not allowed, except upon permission.

For receiving any such transfer a fee of not less than ten dollars shall be exacted. R. S. Q., 1376, § 9. Fee on transfer.

"1388. The lease of any person convicted of an infringement of this section or of any regulation under it, may be annulled by the Commissioner. R. S. Q., 1376, § 7 *in fine*. Revocation of leases in certain cases.

"1389. The lessee shall be obliged to transmit to the Department of Lands, Forests and Fisheries, on or before the first of January following the close of an angling season, a statement of the number and weight of fish caught in the waters affected by such lease. R. S. Q., 1376, § 6. Annual return to Department by lessee.

Any default to transmit such statement within the prescribed time, or the transmission of a false or inexact statement, renders the lessee liable to the penalty prescribed by the preceding article. Penalty if return not made, &c.

"1390. Whenever any lease of lands previously under lease to any person is granted to another person, the new lessee shall be bound to indemnify the previous lessee for the real value of the buildings or useful improvements existing on the leased land, which must not exceed the cost of the buildings or improvements which he would have to make for his own use during the existence of his lease. Indemnity to be paid by new lessee to former lessee.

Such value, in case of difference of opinion, is definitively fixed and determined by the Commissioner, and the new lessee shall not be entitled to receive his lease until he has furnished proof that he has so indemnified the previous lessee, provided that the latter has sent in his claim to the Commissioner within a delay of one month after notice on behalf of the new lessee so to do. R. S. Q., 1376, § 1. *part.* How value to be fixed, &c.

III. — FISHING LICENSES IN PROVINCIAL WATERS

Rights conferred by license.

“**1391.** A fishing license confers on the holder the exclusive right of fishing in every manner authorized by law, within the limits therein described, but does not prevent third parties from taking bait there for cod fishing, or from angling for other purposes than for trade. R. S. C., c. 95, s. 14, § 1, *in part*.

Payment for licenses.
Forfeiture of license.

“**1392.** Licenses must be paid for in advance.
Any licensee, found guilty of a violation of this act, or of any regulation made thereunder, shall be liable to forfeit his license. R. S. C., c. 95, s. 21, § 3.

Penalty for fishing, &c., without permission.

“**1393.** Saving the provisions of article 1391, every one who fishes for, takes or kills fish in any water, or along any beach, or within any fishing limits described in any license, or who places, uses or keeps therein any fishing gear or apparatus, without permission from the licensee or who disturbs or injures any fishery, shall be liable to a fine not exceeding one hundred dollars and costs and, in default of payment, to imprisonment not exceeding two months, and the fishing apparatus so used and all fish so taken shall be confiscated. R. S. C., c. 95, s. 14, § 1 *in part*.

Disputes as to fishing limits.

“**1394.** Disputes relative to fishing limits or claims to fishing stations, or relative to the position of nets or other fishing apparatus shall be settled by the local fishery overseer. R. S. C., c. 95, s. 17, § 5.

Distance between fisheries, and removal of apparatus.

“**1394a.** Any fishery overseer may determine or prescribe the distance between every fishery, and may forthwith remove any fishing apparatus which the owner neglects or refuses to remove; and such owner shall moreover be guilty of an infringement of this section and shall be responsible for the cost of removing such fishing apparatus. R. S. C., c. 95, s. 14, § 11.

§ 4.—*Salmon fisheries*

Licenses not to be issued for salmon within certain distance of certain rivers.

“**1394b.** No fishing license authorizing fishing for salmon shall be issued unless at a distance of five hundred yards, measured in a straight line, from the mouth of any river or water-course up which salmon go to spawn. *See* R. S. C., c. 95, s. 8, § 10.

Definition of tidal boundary, &c.

“**1394c.** The Commissioner or any person authorized by him for that purpose may, for the purposes of this section, define the tidal boundary of estuary fishing for each river; and he shall not issue any license authorizing fishing for salmon in such estuaries.

No license to fish salmon in such estuaries.

The Lieutenant-Governor in Council may, however, permit Exception. the granting thereof for such estuaries of rivers as he may deem expedient to indicate. R. S. C., c. 95, s. 8, § 6 *in part*.

1394cc. The Commissioner may cause to be prepared and Maps of estuaries. certified a map of the estuary of each river upon which shall be established the limits of the estuary as also the limits of five hundred yards, on each side of the river.

Such plan, when certified by him, shall definitively estab- Effect of map. lish such limits and shall admit of no proof to the contrary.

§ 5.—*Oyster-beds*

“1394d. The Commissioner may grant licenses for any Licenses for term of years, not exceeding fifteen, to any person who wishes to plant or form oyster-beds in provincial waters; and the holder of any such license shall have the exclusive right to the oysters produced or found in such oyster-beds within the limits of such license. oyster-beds. Privileges of licensees.

Whoever fishes in such limits, or who makes use of any Penalty for fishing without permission. fishing apparatus therein whilst the said license is in force without the written permission of a fishery overseer, or of the licensee, shall be liable to a fine not exceeding two hundred dollars and costs, and, in default of payment, to imprisonment not exceeding four months. R. S. C., c. 95, s. 21, § 4.

§ 6.—*Shell Fish*

“1394e. Shell-fish fisheries and the issue of licenses Licenses for relative to such fisheries, are subject to the provisions of this section and to the regulations made thereunder. R. S. C., c. 95, s. 21, § 7. shell-fish, &c.

§ 7.—*Waters reserved for the propagation of fish*

“1394f. The Commissioner may authorize the reserving Reserve for natural or artificial propagation of fish. or leasing of any river or other water for the natural or artificial propagation of fish; and every person who wilfully destroys or injures any place so set apart or leased, or who fishes therein without written permission from the Commissioner, from any person by him authorized or from the lessee, or who uses therein any fishing apparatus during the period for which such waters are so set apart or leased, shall be liable to a fine not exceeding two hundred dollars and costs, and, in default of payment, to imprisonment not exceeding four months. R. S. C., c. 95, s. 21, § 1; 57-58 V. C., c. 51, s. 10.

§ 8.—*Use of vacant property for fishery purposes*

Use of vacant property for fishery purposes, &c.

“**1394g.** Every person who has a right to fish may use vacant public property, such as by law is common and accessory to public rights of fishing, for the purpose of landing, salting, curing and drying fish, and may cut wood thereon for such purposes; and no other person shall occupy the same station unless it has been abandoned by the first occupier for twelve consecutive months; and, at the expiration of that period, any new occupier shall pay the value of the flakes, stages and other apparatus thereon of which he takes possession, or the buildings and improvements may be removed by the owner. R. S. C. c. 95, s. 22, *in part*.”

§ 9.—*Fishways*

Fishways to be provided at dams, &c.

“**1394h.** Every dam, slide or other obstruction across or in any provincial waters, shall be provided by the owner or occupant with a fishway, where the Commissioner determines it to be necessary, and such fishway shall be maintained in good order.

Commissioner to notify place therefor, &c.

The place, form and capacity of the fishway may be prescribed by notice in writing by the Commissioner or by any person under instructions from him. R. S. Q., 1377a; 58 V., c. 20, s. 2; 60 V., c. 22, s. 18.

Fine for violating provisions of preceding article.

“**1394i.** Every one who violates the provisions of the preceding article shall incur a penalty of four dollars for each day during which the dam, slide or other obstruction remains unprovided with a fishway, three days after a notice in writing to the owner or occupant thereof, has been given by the Commissioner or by any person acting under his instructions. R. S. Q., 1377b; 58 V., c. 20, s. 2.

When fishways to be kept open.

“**1394j.** Fishways shall be kept open and unobstructed, and shall be supplied with a sufficient quantity of water to fulfil the purposes of this paragraph during such times as may be required by the Commissioner, or any person acting under his instructions. R. S. Q., 1377c; 58 V., c. 20, s. 2; 60 V., c. 22, s. 18.

Penalty for injuring fishways.

“**1394k.** No person shall injure or obstruct any fishway or do anything to deter or hinder fish from entering or ascending or descending the same, or injure or obstruct any authorized dams, under a penalty for each offence of not less than two dollars nor more than twenty dollars and costs, and, in default of payment, an imprisonment of not less than two days nor more than ten days, over and above all damages resulting therefrom. R. S. Q., 1377d; 58 V., c. 20, s. 2.

§ 10.—*Regulations*

"1394l. The Lieutenant-Governor in Council may, at any time, make, amend and repeal regulations, not inconsistent with the provisions of this section, for the following purposes :

Regulations by Lieutenant-Governor in Council.

(a) Granting leases and licenses and for defining the rights and duties conferred and imposed thereby ;

(b) Defining the powers and duties of the superintendent general, the inspector general and fishery overseers and other officers which are not determined by law ;

(c) The manner of effecting the sale of articles seized under this section or under any regulations made thereunder ;

(d) And generally, for all purposes necessary for carrying this section into effect.

2. Such regulations shall come into force from and after the date of their publication in the *Quebec Official Gazette*.
R. S. C., c. 95, s. 16 ; R. S. Q., 1377, § 2.

When they come into force.

§ 11.—*Fines, confiscations and prosecutions*

"1394m. Except when otherwise provided, every one who violates any provision of this section, or of the regulations under it, shall be liable, for a first offence, to a fine not exceeding twenty dollars in addition to the costs, and, in default of payment, imprisonment for not less than eight days nor more than one month ; for a second offence, to a fine not exceeding forty dollars in addition to the costs, and, in default of payment, imprisonment for not less than fifteen days, nor more than two months ; and, for the third and every subsequent offence, to a fine not exceeding sixty dollars, in addition to the costs, and in default of payment, imprisonment for not less than thirty days, nor more than three months.

Penalty for offences.

If it appears to the convicting magistrate that the offence was committed through ignorance of the law, and that the fine is too great owing to the poverty of the defendant, he may exercise a discretionary power. R. S. C. c. 95, s. 18, § 1 ; 57-58 V. C. c. 51, s. 18 ; R. S. Q., 1380.

Discretionary power of magistrate in certain cases.

"1394n. The whole of the fine belongs in each case to the person obtaining the conviction. R. S. Q., 1381.

Fine to belong to prosecutor.

"1394o. All vessels, boats, canoes, crafts, rafts, vehicles of any description whatever, nets or other fishing appliances, used in violation of this section or any regulation under it, and all fish taken or kept in violation of the said section or regulations thereunder, may be confiscated to Her Majesty, (saving the rights of lessees under article 1384), by any fishery

Confiscation of vessels. &c.

overseer or taken and removed by any person for delivery to any fishery overseer. R. S. C. c. 95, s. 18, § 3; 57-58 V., C., c. 51, s. 8, *in part*.

Powers of certain naval officers, &c., as justices of the peace.

"1394p. Subject to regulations by and instructions from the competent authority, every fishery officer of Canada, or commissioned officer of Her Majesty's navy, on board of any vessel belonging to or chartered by the Government of Canada, and employed in the service of protecting fisheries, and every commissioned officer of Her Majesty's navy serving on board of any vessel cruising or being in provincial waters, may, for the purpose of putting into execution this section and the regulations thereunder, exercise the powers of a justice of the peace and of a fishery overseer, without being called upon to comply with any of the conditions required of justices of the peace.

Application of certain articles to them.

2. Articles 2568, 2569, 2570 and 2571 of the Revised Statutes shall apply to the acts and proceedings of such officers. R. S. C. c. 95, s. 17, § 7.

Every infringement a separate offence.

"1394q. Any infringement at any time of any provision of this section, or of any regulation made under its authority, is a distinct contravention and may be punished accordingly. R. S. Q., 1379.

Use of nets, &c. in violation of act for more than one day, a separate offence for each day, &c.

"1394r. Should any nets or other fishing apparatus be set or used in violation of this section or of the regulations thereunder for more than one day, it shall constitute a distinct offence for each day; and should any other violation of the said section or regulations continue for more than one day, then each day shall constitute a separate offence. R. S. C., c. 95, s. 18 §7; 57-58 V., C., c. 51, s. 9.

Where suits may be instituted in certain cases.

"1394s. When an offence against the provisions of this section or of the regulations made under its authority is committed on or near the waters serving as the limits between several counties or several judicial districts or fishery divisions, such offender may be prosecuted before any magistrate having jurisdiction over one of such districts or divisions, or before any fishery overseer for any one of such districts or divisions. R. S. Q., 1395.

Limitation of suits.

"1394t. The suit for the recovery of fines must be taken within six months, counting from the day when the contravention took place. R. S. Q., 1384.

Prosecutions summarily taken, &c.

"1394u. All prosecutions under this act may be summarily taken, heard and decided, on complaint before a magistrate having jurisdiction in the locality where the offence was committed. R. S. Q., 1382.

In all suits under this act, the magistrate has jurisdiction even when questions of title to lands, tenements, or hereditaments are raised. Jurisdiction of magistrate.

"1394v. There shall be an interval of three days between the service and the return of the summons to a defendant for the first five leagues, and one day more for every additional five leagues or fraction of five leagues of distance between the place where the summons is dated and that in which the service takes place. Delay upon summons.

When it is expedient to proceed without delay against a defendant, any magistrate may issue a writ of summons returnable immediately to compel the defendant to appear before him without delay, or he may issue at the same time as the writ of summons, a warrant of arrest against the defendant. R. S. Q., 1383. Proceedings in cases of urgency.

"1394x. No proceedings shall be dismissed, nor any condemnation annulled, by reason of any defect in form. Defects in form.

No warrant of arrest or imprisonment shall be annulled by reason of irregularity if it be therein alleged that the person was found guilty, and if there be good and valid reason to justify such condemnation. R. S. Q., 1386. Irregularities in warrants, &c.

"1394y. The forms of proceedings, summonses and notices, made use of under this section and under the regulations thereunder, may be according to the forms A, B, C, D, and E, of the annexed schedule, or in any other form to the same effect; in other respects, the laws relating to summary proceedings before justices of the peace apply to cases provided for by this section. R. S. Q., 1387. Forms.

"1394z. The fishery overseer, when the judgment has been obtained through his intervention, shall, within a delay of five days after the judgment, make a report to the Commissioner. R. S. Q., 1385. Report of judgments to Commissioner.

§ 12.—Fishery Officers and Districts

"1395. The game superintendent general and the game inspector general shall perform the duties of superintendent and inspector of fisheries for the whole Province. Duties of superintendent and inspector of fisheries by whom performed.

These two officers are *ex officio* justices of the peace for the whole Province, and they also have in each fishery district the same powers as fishery overseers. R. S. Q., 1413; 60 V., c. 25, s. 4. Powers and duties of officers.

"1395a. The Commissioner may, if he considers it expedient for the better protection of fisheries, divide the Province into fishery divisions, and may appoint a fishery division. Division of Province into fishery divisions.

overseer for each division, whose duties and functions are defined by this section, by regulations made thereunder, and by instructions from the Commissioner. R. S. Q., 1388.

Remuneration, &c., of officers, and how fixed and paid. "1395b. The remuneration of such fishery overseers, and of all other persons specially employed to perform any duty imposed by this section or by the regulations thereunder shall, if required, be determined by the Commissioner by commission or otherwise, and, in either case, it shall be paid out of the revenue arising from the operations of this section. R. S. Q., 1389.

Overseers and their appointment. "1395c. The Commissioner may, upon the recommendation of lessees or licensees of fishing rights, or without such recommendation if none is made, or if their recommendation be not acceptable, appoint as many overseers as he may deem necessary for the effectual protection of the fisheries in provincial waters under lease and license.

Oath and duration of services. Such overseers shall be sworn to the faithful discharge of their duties in enforcing the execution of the provincial laws and regulations in force, and they shall be employed for such length of time as the Commissioner shall consider necessary.

Payment. Their services shall be paid by the lessees and licensees. R. S. Q., 1390.

Ex officio officers. "1395d. Agents and subagents of Crown lands and forests, wood-rangers and their superintendents, and game-keepers, appointed by the Commissioner, are *ex officio* fishery overseers while in office, each for the division confided to his superintendence.

Local overseers. The Commissioner may also appoint such local fishery overseers as he may deem necessary, and they shall not have any right to salary for such service. R. S. Q., 1391.

Powers as justices. "1395e. Every fishery overseer shall have all the powers of a justice of the peace in his division, as well for the purposes of this section as for those which may concern the efficient execution of the laws and regulations within the limits of such division. R. S. Q., 1392.

Conviction on view. "1395f. Every fishery overseer or other magistrate may convict on view, within the limits of his division, all persons guilty of an offence punishable under the provisions of this section. R. S. Q. 1393.

Search warrants, &c. "1395g. Every fishery overseer or other magistrate may make searches or grant a warrant to search any craft in which or places where he has reason to suspect that there may be fish, taken in contravention of the provisions of this section or of the regulations made thereunder, or any object whose use is prohibited.

2. In the performance of his duties, every overseer and other person accompanying him or authorized by him for that purpose, may enter upon or pass over private property, provided that the rights of property are not violated. Right to pass over private property. R. S. Q., 1894."

2. Article 5496 of the Revised Statutes is amended by R. S., 5496, adding after the words "companies" in the second line, the words "except the second clause of article 4659." amended.

TRANSITORY PROVISIONS

3. Locations of the Crown domain effected by means of fishery leases, granted by the Commissioner of Crown Lands or by the Commissioner of Lands, Forets and Fisheries, or by any person authorized by either, are hereby declared to be valid, as are also all other deeds respecting fisheries made by the said functionaries. Locations &c., declared valid.

4. All sales and gratuitous grants of Crown lands, made since the 1st June, 1884, are declared to have been made subject to the reserve for fishing purposes of three chains in depth of the lands bordering on non-navigable rivers and lakes in the Province. Certain sales and grants declared subject to reserve for fishing purposes.

5. The repeal, by section 1 of this act, of the seventh section of chapter sixth of title fourth of the Revised Statutes, shall not have the effect of remitting the penalties incurred in virtue thereof, but such penalties shall be imposed and the convictions enforced under the provisions of the repealed law as if this act had not been passed. Effect of repeal by section 1 of act.

6. The fishery overseers and other officers, appointed under the repealed law, shall continue to perform their duties until they have been replaced under the provisions of this act. Present officers continued in office.

7. It shall be lawful for the Lieutenant-Governor in Council to take such measures as he may deem necessary for obtaining and receiving from the Government of Canada, or from the Department of Marine and Fisheries, or from any other department of the said Government, all orders in council, books, books of account, documents and papers or copies thereof relating to the fisheries of this Province. Measures to be taken to take over documents, &c., from Federal authorities.

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

SCHEDULE

FORMS OF PROCEEDINGS

FORM A

Complaint

Province of Quebec, }
District of }

On this _____ day of _____, 18_____

To J. S. Justice of the Peace, of the district (or county).

A. B. of _____, complains that C. D. _____, of _____, (state briefly in clear terms the offence and the place where it occurred) in contravention of the Quebec Fishery Act.

Wherefore the complainant prays for judgment against the said C. D., as prescribed by the said act.

A. B.

FORM B

Summons to Defendant

Province of Quebec,)
District of .)

To C. D., of _____, &c.

Whereas complaint has (*this day*) been made before me that you (*state the offence in the words of the complaint or to the like effect*), in contravention of the Quebec Fishery Act.

Therefore you are hereby commanded to appear before me, at _____ on the _____ day of _____ at _____ o'clock in the _____ to answer the said complaint and to be dealt with according to law.

Witness my hand and seal, at _____, this _____ day of _____, 18____.

J. S.,

Justice of the Peace for.....
[L. S.]

FORM C

Subpoena to a Witness

Province of Quebec, }
District of }

To E. F., of &c.

Whereas complaint has been made before me that C. D., did (*state the offence as in the summons,*) and I am informed that you can give material evidence in the case; therefore, you are commanded to appear before me, at , on the day of , at o'clock in the , to testify what you know concerning the matter of the said complaint.

Witness my hand and seal, at , this day of
of , 18

[L. S.]

J. S.,

Justice of the Peace for.....

FORM D

Conviction

Province of Quebec, }
District of }

Be it remembered, that on this day of , 18 , at , in the said district, C. D., of has been convicted before me, for that he did, &c., (*stating the offence briefly and the time and place where committed,*) in contravention of the Quebec Fishery Act, and I adjudge the said C. D., to forfeit (and pay) the sum of (*state to whom the fine is to be paid*) (*or mention the thing forfeited, and in whose favor it is forfeited*) and also to pay A. B., the (*complainant*) the sum of for costs; and if the said C. D., fails to pay the said penalty and costs forthwith after the said conviction, I adjudge him to be committed to and imprisoned in the common gaol of the district of for the period of

Witness my hand and seal at this day of ,
18 .

[L. S.]

J. S.

Justice of the Peace for.....

