

"**2657c.** The manner of making and preparing the panels and summoning and returning jurors by the sheriff in criminal cases, as prescribed by this chapter, shall be observed and followed by coroners, high constables and elisors having the return of jury process, and they shall for such purpose have free access, during office hours, to the registers and lists of grand and petit jurors in the office of the sheriff of the district.

Coroners and others to prepare, &c., panels and summon jurors, &c., as sheriff.

Every coroner, high constable or elisor who, upon such order, shall act in the place and stead of the sheriff, shall possess all the powers and perform all the duties in any way connected with making and preparing the panels, and summoning the jurors therein mentioned, as well as with regard to claims for exemption, summoning additional jurors, and the return of the panels, that are in and by this chapter prescribed to or vested in the sheriff of any district, with respect to jurors returned by him upon similar process.

Powers of coroners, &c., in performance of duties.

"**2657d.** The fees and disbursements of the coroner, high constable or elisors shall be the same as those allowed to the sheriff for similar services by article 2661."

Fees, &c., of coroners, &c., in such cases.

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

Coming into force.

CAP. XXV.

An Act respecting the protection of public interest in rivers, streams and creeks.

[Assented to 30th December, 1890.]

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

1. The following paragraph is added after paragraph four of section twelve of chapter first of title seventh of the Revised Statutes of the Province of Quebec, as added by the act 53 Victoria, chapter 37 :

Paragraph added to R. S. Q. Title VII, chapter 1, section 12.

"§ 5.—*Protection of public interest in rivers, streams and creeks.*

"I. DECLARATORY AND INTERPRETATIVE.

"**2972c.** This act does not apply to dams, weirs or bridges erected in or over rivers, streams or creeks, nor to anything done *bona fide* in or for erecting such dams, weirs or bridges, nor to any obstruction caused by trees cut down or felled for the purpose of being used as

Act not to apply to dams, &c.

bridges, unless the flow of water or the passing of rafts be impeded.

Nor to affect certain companies.

2. Nothing in this law shall be so construed as to affect the rights of joint stock companies for the transmission of timber down rivers and streams.

Interpretation of word "timber."

3. The word "timber" means saw logs, timber for building purposes and all other kinds of timber.

"II. RIGHT OF FLOATING AND TRANSMITTING TIMBER, ETC., DOWN RIVERS, STREAMS AND CREEKS, AND OF EXECUTING WORKS FOR THAT PURPOSE.

Timber, &c., may be floated down all rivers, streams and creeks in Province at certain times.

"2972*d*. Subject to the provisions of this law, any person, firm or company is allowed, during the spring, summer and autumn freshets, to float and transmit timber, rafts and crafts down all rivers, streams and creeks in this Province.

Dams, &c., may always be built to facilitate floating of timber, &c.

"2972*e*. It is and always has been lawful to erect and maintain dams, slides, aprons, booms, gate-locks or other necessary works to facilitate the floating or transmission of timber, rafts or crafts down such rivers, streams or creeks, to mine rocks, dredge or remove sand-banks, remove trees, shrubs or other obstacles without, however, doing any damage to such rivers, streams or creeks.

If private property required for such purposes, expropriation proceedings to be taken.

If it is absolutely necessary for the construction of such improvements to take and occupy any part of private property, expropriation proceedings shall be taken for the land strictly required for such purpose, by observing, for the valuation of the land and the damages resulting from the works, the provisions respecting expropriations in the law concerning Railways.

Persons making improvements on streams, &c., only entitled to tolls from persons using same and not to exclusive use.

"2972*f*. In case any person constructs or executes any work whatsoever necessary to facilitate the floating or transmission of timber, rafts and crafts down a river, stream or creek which was not navigable or floatable before such works, or improves the floatability of the same, even if the improvement is on private property, such person shall not thereby have the exclusive right to the use of such river, stream or creek or the works or improvements; but any other person may make use of the same for the purpose of floating and transmitting timber, rafts and crafts, doing no unnecessary damage to the works or improvements or to the banks of such rivers, streams or creeks, and further paying, to the person who has made the construction or improvements above mentioned, the tolls determined by order of the Lieutenant-Governor in Council upon a petition to that effect presented by the proprietor or other parties interested.

Tolls fixed by Lieutenant-Governor on petition.

In fixing tolls certain things to be taken

In determining the tariff of tolls, the Lieutenant-Governor in Council shall take into consideration the value

of the works or improvements, the amount required for the maintenance of the same, and every thing else which he shall deem just and equitable according to circumstances, and, for that purpose, he may require from the petitioner such information as may be necessary or cause a special inspection of such works and improvements to be made by the engineer of the Department of Public Works.

“2972g. The person entitled to levy tolls on timber passed over or through such works or improvements, has a lien upon such timber, ranking immediately after that of the Crown for its dues thereon. Lien for tolls.

“2972h. If the tolls be not paid, the person entitled thereto may, upon affidavit to that effect before one of the justices of the peace of the locality in which the timber is situated, obtain the issuing of a writ to seize the same. Seizure in default of payment of tolls.

Fifteen days after the issuing of the writ, if the amount of the tolls be not paid as well as the costs of the writ, or sufficient security be not given, the bailiff or constable charged with the execution of such writ shall, subject to the lien of the Crown (if any), sell the timber so seized and shall, after deducting from the proceeds of the sale the amount of the tolls due and of the law costs, pay over the surplus to the owner of the timber. Sale in certain event after fifteen days.

No writ of seizure can however issue after the expiration of six months from the time of the passage of the timber through or over such works or improvements. Writ not to issue after certain time.

“ III. OBSTRUCTIONS CAUSED TO RIVERS, STREAMS OR CREEKS.

“2972i. Subject to any jurisdiction of the Dominion of Canada in this respect and to the provisions of any acts passed in the exercise of such jurisdiction, if any person throws into a river, stream or creek, bark, slabs, waste stuff or other refuse of any saw mill, or stumps, roots, shrubs, tan-bark or leached ashes, and allows the same to remain and to obstruct such rivers, streams or creeks, he shall incur a penalty not exceeding twenty dollars and not less than twenty cents for each day during which such obstruction remains there, over and above all damages resulting therefrom. Penalty for throwing, &c., bark, slabs, &c., into rivers, streams or creeks, &c.

Nevertheless, if the obstruction be caused without wilful default or in the *bonâ fide* exercise of his rights, the person causing the same shall not be liable to any fine or damages unless upon default to remove the obstruction after notice and within a reasonable time. No penalty, if obstruction placed without wilful default and removed after notice.

Penalty for
damaging,
&c., dams, &c.

"**2972j.** Whosoever injures, damages or destroys any dams, slides, aprons, booms, gate-locks and other works intended to facilitate the floating and transmission of timber, is liable to a fine of not more than twenty dollars and not less than two dollars or to an imprisonment of not less than two days and not more than ten days in default of payment, in the common gaol of the district in which the offence was committed, over and above all damages resulting therefrom.

Prosecutions
for fines and
for damages,
if less than
twenty-five
dollars, before
what court to
be brought.
If damages
exceed \$25
before what
court suit to
be brought.

"**2972k.** Prosecutions for the recovery of fines or penalties imposed by this law as well as of damages, if they do not exceed twenty five dollars, may be brought before one or two justices of the peace or the district magistrate of the place where the offence was committed.

When the damages exceed twenty five dollars, the suit is brought, according to the amount of such damages, before the Circuit Court, or before the Superior Court, of the judicial district in which the damages were caused."

R. S. Q. art.
5555 repealed.

2. Article 5555 of the Revised Statutes of the Province of Quebec, respecting obstructions in rivers and streams, is repealed.

Pending suits
not to be af-
fected.

3. This act shall not apply to suits actually pending.

C A P . X X V I .

An Act to amend the law respecting the protection of employees in factories.

[Assented to 30th December, 1890.]

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

R. S. Q. art.
3023 replaced.

1. Article 3023 of the Revised Statutes of the Province of Quebec is replaced by the following:

Appointment
of sanitary
physicians
provided for.

"**3023.** For the purposes of the two next preceding articles, the Lieutenant-Governor in Council may appoint one or more sanitary physicians who shall have special charge of supervising the sanitary conditions and making sanitary recommendations respecting unhealthy industrial establishments."

R. S. Q. art.
3024 § 6, added
by 53 V., c. 38,
s. 3, replaced.

2. Paragraph 6, added to article 3024 of the said Revised Statutes, by the act 53 Victoria, chapter 38, section 3, is hereby repealed and the following is substituted therefor: