

45 V. c. 22, s. 2, amended. Certain societies exempt from taxation under act.

1. Section 2 of the Act 45 Vict., chap. 22, is amended, by adding at the end thereof the following words: "nor societies or establishments, in this province, for the manufacture of butter or cheese, or of both combined, established under the act 45 Vict., chap. 65, nor the Industrial Dairy Society of the Province of Quebec, established by the act 45 Vict., chap. 66, nor the mutual insurance companies recognized by or established under the act 45 Vict. chap. 51, nor those established under the act 42-43 Vict. chap. 39 and its amendments, nor the companies established for the construction and maintenance of toll-bridges, nor associations or companies established for drainage, agricultural or colonization purposes.

Act in force.

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

CAP. VIII.

An Act respecting the management of Public lands adjoining non-navigable streams and lakes in the Province of Quebec, and the exercise of the fishing rights thereto pertaining.

[Assented to 30th March, 1883.]

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

Lease of Crown lands along certain rivers, &c., for fishing purposes.

1. The Commissioner of Crown Lands, or any officer or agent under him authorized to that effect, may grant leases of such of the Public lands of the Crown, as are situated along the banks of such rivers and lakes in the Province of Quebec, where the exclusive right of fishing is vested in the Crown as the riparian proprietor, at such rates and subject to such conditions, regulations and restrictions, as may from time to time be established by the Lieutenant-Governor in Council, and which shall be published in the Quebec Official Gazette.

Duration of lease.

Proviso.

2. No lease shall be so granted for a period longer than one year from the date thereof; and if, in consequence of any incorrectness of survey or other error or cause whatsoever, a lease is found to comprise lands included in a lease of a prior date, the lease last granted shall be void, in so far as it interferes with the one previously issued; and the holder or proprietor of the license, so rendered void, shall have no claim for indemnity or compensation by reason of such avoidance.

3. Such license shall confer, for the time being, on the lessee the right to take and keep the exclusive possession of the lands therein described, subject to such regulations and restrictions as may be established, and shall vest in him the right to fish in the waters thereto adjoining, at such time and in such manner as may be regulated and allowed by any law or statute of the Parliament of Canada then in force, or by any regulations passed in virtue thereof.

Rights of licensee.

It shall also entitle the lessee to institute, in his own name, any action or suit at law against any wrongful possessor or trespasser and to prosecute the same and to recover damages if any there be.

Idem.

4. Each lessee shall be bound to establish and maintain on and over the territory covered by his lease, an efficient guardianship to secure a complete protection of the fishery rights belonging to it.

Duties of licensee as to guardianship.

He shall further be answerable for damages done to the timber, growing on the said territory and in the adjoining territory, by himself or the people under his control, either from waste or from want of sufficient precautions in lighting, watching over, or putting out fires, and it shall be incumbent upon him, in case of damage done by fire, to prove that all such precautions have been taken.

Responsibility of lessee.

5. No lessee shall have the right to sublet any privilege granted him under the provisions of this act, without first notifying the Department of Crown Lands, and receiving the written consent of the Commissioner or of some other person authorized to that effect.

Subleasing of privileges.

6. The rental shall be paid in advance ; and any lessee who fails to do so, shall not be entitled to claim the renewal of his lease.

Payment of rent and renewal of lease.

The lease of any person, convicted of an infraction of this act, or who has violated any regulations under it, may be annulled by the Commissioner of Crown Lands.

Cancelling of lease.

7. The Lieutenant Governor in Council may, if he consider it expedient for the better protection of the Provincial fisheries, divide the Province into fishery divisions, and may appoint a fishery overseer for each such division, whose duties shall be defined by the regulations made under this act.

Division of Province into fishery divisions.

8. Except in the discharge of any duty imposed by law, no person shall enter upon or pass over the land described in such lease, without permission of the lessee or his representative.

Penalty for entering, &c., upon leased property with-

out permis-
sion.

Exception.

tative, on pain of incurring a fine of not less than one nor more than ten dollars, and in default of immediate payment of an imprisonment not exceeding one month. It shall be lawful nevertheless, whenever any such land is included in any timber license, that the holder thereof shall have, at all times, the right to cut and take away all trees, timber and lumber, within the limits of his license and during the term thereof, and it shall further be lawful for him to make use of any floatable river or watercourse and 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.

Idem.

The present section shall not apply to any person, simply passing over the said land, or engaged in any occupation, not inconsistent with the provisions of this act.

Confiscation of
fish in certain
cases and fine.

9. If any person, without permission of the lessee or his representative, fishes or employs or induces any other person to fish or assists in fishing in the waters, adjoining any such leased land or removes or carries away or employs or induces or assists any other person to remove or carry away any fish caught in any such waters, he shall not acquire any right to the fish so caught, but the same shall be forfeited and become the absolute property of the lessee, and any such person shall therefor incur a penalty of not less than five or more than twenty dollars, and in default of immediate payment of an imprisonment not exceeding one month.

Penalty for
offences
against this
act.

10. Except for offences to which penalties are already attached, each and every offender against the provisions of this act or regulations made under it shall incur for each offence a penalty of not more than twenty dollars, besides all costs, and in default of immediate payment shall be imprisoned for a period not exceeding one month. Contravention on any day of any of the provisions of this act or of any regulations made under it shall constitute a separate offence and may be punished accordingly.

Separate
offences on
same day.

Disposal of
penalties.

11. One half of every penalty, imposed by virtue of this act, shall belong to Her Majesty for the uses of the Province and the remaining half shall be paid to the prosecutor, together with the costs which he may have incurred. Each penalty or forfeiture, imposed by this act or by the regulations made thereunder, may be recovered, on parol complaint before any fishery officer or other magistrate or

Recovery of
penalties.

before any Crown Lands' agent or other officer or employee of the Crown Lands' Department, in a summary manner, on the oath of one credible witness. Any fishery officer or other official, mentioned in this section, may convict upon his own view for any of the offences mentioned in this act. Conviction on view.

12. The Lieutenant Governor in Council, may, from time to time, vary, amend and alter all and every such regulation as shall be found necessary or deemed expedient for the better management and regulation of such land, leased under the operation of this act, and the fishing rights thereto pertaining; and such regulations shall have the same force and effect as if herein contained and enacted. Every offence against any such regulation may be stated as having been made in contravention of this act: and for the purposes of enforcing the same, the Fishery Overseers, as well as all agents for the sale of Crown lands, all employees of the Department of Crown Lands and all wood rangers, and other persons employed by the Department of Crown Lands, shall be *ex officio* Justices of the Peace. Regulations made may be altered. Offences against regulations. Fishery Overseers &c., Justices of the peace.

13. The remuneration of the Fishery Overseers and of all other persons employed to perform any duty, imposed by this act or by the regulations made under it, shall be determined by the Commissioner of Crown Lands, either by commission or otherwise, and in either case shall be paid out of the proceeds of the operations of this act. Remuneration of Fishery Overseers.

14. It shall be lawful for the Commissioner of Crown Lands, or any officer thereto authorized by him, to grant permits to fish in any waters, adjoining lands not under lease, for a period not exceeding one month, upon such terms and subject to such restrictions and conditions, as shall be provided by order in Council to that effect. Permits to fish.

15 *Bonâ fide* residents may fish in such unleased rivers as are known not to contain salmon, and in unleased lakes, without first obtaining the permit, mentioned in the preceding section. Privilege of residents to fish in certain rivers &c.

16. This act shall come into force on the day of its sanction. Act in force.