

C A P . X I V .

An Act to amend "The Quebec General Mining Act of 1880."

[Assented to 27th May, 1882.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. Section 49 of the Quebec General Mining Act of 1880, <sup>43-44 Vic.,</sup> (43-44 Victoria, chapter 12,) is amended by substituting for the word: "twelve," in the second line the word: "seven," and by adding, at the end of the last paragraph thereof, the words: "within such radius of seven miles." <sup>cap. 12, sec. 49, amended.</sup>

2. Section 116 of the said act is amended by adding thereto after the word: "within," in the first line the following words: "a radius of seven miles from any mine that is being worked in." <sup>Id. sec. 116 amended.</sup>

3. This act shall come into force on the day of its sanction. <sup>Act in force.</sup>

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C A P . X V .

An Act to amend and consolidate the Game Laws of this Province.

[Assented to 27th May, 1882.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

PROHIBITIONS.

*Moose, deer, elk, caribou, &c.*

1. The hunting or taking of moose, before the first of September in the year one thousand eight hundred and eighty-three, is forbidden, and, after the expiration of that period, between the first day of February and the first day of September in every subsequent year; the hunting, taking or killing of elk, caribou, deer or their fawn, is also prohibited between the first day of February and the first day of September in each year. <sup>Moose. Elk, caribou, deer or their fawn.</sup>

*Beaver, mink, otter, marten, pekan, wild-cat, hare, musk-rat.*

**2.** It is forbidden to hunt or trap :

**Beaver, mink, otter, marten, pekan, wild-cat.** 1. Any beaver, mink, otter, marten, pekan or wild-cat between the fifteenth day of March and the first day of November, in each year ;

**Hare.** 2. Any hare, between the first day of March and the first day of November, in each year ;

**Musk-rat.** 3. Any musk-rat, between the first day of June in each year and the first of April of the year following, in the districts of Quebec, Saguenay, Chicoutimi, Montmagny, Kamouraska, Rimouski, Gaspé, and between the first day of May in each year and the first day of April following in the remainder of the province.

*Partridge, grouse, ptarmigan, woodcock, sand-lark, wild duck widgeon and teal, &c., &c.*

**3.** It is also forbidden :

1. To hunt or take :

**Partridge.** a. Any partridge between the first day of January and the fifteenth of September, in each year ;

**Grouse, ptarmigan, woodcock, snipe or sand lark.** b. Any grouse, ptarmigan, woodcock, snipe or sand-lark, between the first day of February and the first day of September, in each year ;

**Wild swan, wild goose, Canada goose, or wild duck, widgeon or teal.** c. Any wild swan, wild goose, Canada goose, or wild duck of any kind, widgeon or teal, between the fifteenth day of April and the first day of September, in each year ;

**Hours during which it is prohibited for certain birds.** d. Any of the birds mentioned in paragraphs b and c of this section, at any time between one hour after sunset and one hour before sunrise ;

**Taking eggs, &c.** 2. To disturb, injure or gather or take, at any time, the eggs of any species of wild fowl mentioned in this section ; and all vessels or boats employed in disturbing, gathering or taking the eggs of any species of the aforesaid wild fowl, may, as well as the eggs, be confiscated and sold.

**Right of shooting, &c., for food in certain parts of the province.** Nevertheless, in that portion of the province to the east and north of the counties of Montmorency and Montmagny, the inhabitants may, at any time, and only for the purpose of procuring food, shoot or take the birds mentioned in paragraph c of this section.

**Certain methods of hunting, &c.,** 4. It is forbidden to take, at any time, by means of ropes, snares, springs, cages, nets, pits or traps of any kind,

any of the animals or birds mentioned in sections 1 and 3, except partridges; and to place, construct, erect or set, either wholly or in part, any engine for such purpose, and any person finding any engine so placed, constructed, erected or set, may take possession of or destroy the same.

certain animals, &c., forbidden.

*Insectivorous or other birds beneficial to agriculture &c.*

5. It is forbidden, between the first day of March and the first day of September, in any year, to shoot, kill or take, with the intention of killing, by means of nets, traps, springs, snares, cages or otherwise, any barn swallow, bank swallow, martin or chimney swallow, king-bird, warbler, flycatcher, woodpecker, whippoorwill, song-sparrow, titmouse, goldfinch, grive, cow-bunting, bobolink, (*dolychonix orizivorus*), sparrow, jay, grackle, grosbeak, and all other species of birds, with respect to which no provision has been made in any of the preceding sections, or to take their nests or eggs, except eagles, falcons, hawks and other birds of the eagle kind, wild pigeons, fishers, crows and ravens, waxwings (*récollets*), and the great northern shrike (*collyris borealis*).

Shooting, &c., certain birds forbidden between certain dates,

And taking their eggs.

Exception.

This section does not, however, apply to the birds commonly known as poultry.

Proviso as to poultry.

6. It is forbidden to take or kill migratory quail up to the thirty first of December, one thousand eight hundred and eighty four.

Migratory quail.

GENERAL PROVISIONS.

7. It is forbidden, at all times, to use or employ strychnine or other deleterious poison, either mineral or vegetable, or any spring-gun, to hunt, take or destroy any animal whatever.

Use of certain poisons and guns, &c., forbidden.

8. Every game-keeper, under the control of the commissioner of crown lands, shall forthwith seize all animals or birds mentioned in the preceding sections,—except section 5,—or any portion of such animals or birds found by him in the possession or custody of any person during any forbidden period and which appear to him to have been taken or killed during such period or by any of the illegal means set forth in sections 4 and 7 of this act; and bring them before any justice of the peace who shall declare them confiscated, either in whole or in part.

Duty of game keeper to seize &c.

Confiscation.

All animals or birds or portions of animals or birds so confiscated belong to the game-keeper.

Property in animals, &c., so confiscated.

Prohibition to have certain animals or birds.

9. It is forbidden to have in one's possession, custody or care, any animal or bird already mentioned,—except those with respect to which provision is otherwise made in section 5 of this act,—or any part of such animal or bird, with the exception of the skin, during the period in which the act of killing the same is prohibited by this act, or which appears to have been killed or taken by any of the means forbidden by this act; but every such animal or bird, or any portion or portions thereof, may be bought or sold, when lawfully taken, during five days to be computed from the expiration of the various periods respectively fixed by this act for the taking or killing thereof.

Their sale permitted during five days after commencement of close season.

Power of game keeper to open bags, &c., in which he suspects game, &c., may be hidden.

10. Every game-keeper, under the control of the commissioner of crown lands, may cause to be opened or may himself open, in case of refusal, any bag, parcel, chest; box, trunk or other receptacle, (outside the limits mentioned in the following section,) in which he has reason to believe that game, killed or taken during the close season, or peltries out of season, are hidden.

Power of game keeper to cause search warrant to be issued in certain cases.

11. Every gamekeeper, appointed by the commissioner of crown lands, if he has reason to suspect and if he suspects that game, killed or taken during the close season, or peltries out of season, are contained or kept in any private house, store, shed or other buildings, shall make a deposition before a justice of the peace in the form A, annexed to this act, and demand a search-warrant to search such store, private house, shed or other building and thereupon such justice of the peace is bound to issue a warrant according to form B.

Form of deposition.

Form of warrant.

PENALTIES, PROCEEDINGS, &c.

Fines how recoverable.

12. Every infringement of any of the provisions of this act is punishable by fine, to be recovered summarily on information or only on a writ of summons issued by a justice of the peace.

The fines are as follows:

For every infringement of

Section 1.....	\$5 to \$20.
Sections 2 and 3.....	5 to 15
Section 4.....	2 to 10
Section 5 and 6.....	2 to 6
Section 7.....	25 to 50.
Section 9.....	5 to 20
Section 17 (double the fee for the game license).....	
Section 19.....	5 to 10.

Such justice of the peace, shall, if he finds the proof sufficient, impose the fine with costs, which fine wholly belongs to the prosecutor, if he be a game-keeper, and one half only if he does not act in an official capacity; in the latter case the other half is paid over to the game-keeper, appointed for the division by the commissioner of crown lands, to be by him forwarded to the Crown Lands' Department.

In default of immediate payment, the offender is imprisoned in the common gaol of the district, within the limits of which the offence was committed, for any period of time not exceeding three months, and in cases of infringement of section seven, for a period not exceeding six months.

Every justice of the peace has power to convict on view. Prosecutions are at the risk and costs of the complainant.

**13.** Suits brought in virtue of this act need not be begun by deposition, or information or oath of the plaintiff or complainant, provided that the purport of the complaint or demand is sufficiently set forth in the writ or in a declaration annexed thereto.

The evidence of the complainant alone or of any one witness is sufficient to justify a conviction.

**14.** No proceeding under this act shall be quashed, annulled or set aside by *certiorari*; but an appeal may be brought before the Circuit Court of the district in which the offence took place, in the same manner as appeals under the municipal code.

**15.** No prosecution shall be brought after six calendar months from the day of the committing of the offence charged.

#### APPOINTMENTS, GAME LICENSES, &c.

**16.** The Commissioner of Crown Lands has the power of appointing officers to see to the observance of this act and of any other act which may hereafter be passed relating to game in this province.

**17.** In future, no person who has no domicile in the province of Quebec can, at any time, hunt within the meaning of this act, without being authorized thereto by a license to that effect.

**18.** Such permit may, upon payment of a fee of twenty dollars, be granted by the Commissioner of Crown Lands

To whom fine belongs.

Imprisonment in default of payment.

Conviction on view. Risk of prosecutions.

Sworn information not required.

Proof.

*Certiorari* shall not be allowed. Appeal to Circuit Court.

Prescription of suits.

Power of Commissioner to appoint officers.

License required to be taken by non-residents.

Permits to be granted to them.

to any person, not domiciled in the province, who applies to him therefor, and shall be valid for the whole of one season's shooting. It must be countersigned by the game superintendent.

Permits for scientific purposes during close season.

**19.** The Commissioner of Crown Lands may grant written permits (according to form D) to any person or persons who may be desirous of obtaining birds, eggs or fur-bearing animals for *bona fide* scientific purposes, to procure them for that purpose during the close season, and such permits shall be countersigned by the game superintendent; and the person, who shall have obtained such permit, shall not be liable to any penalty under this act, provided he sends in, within two months from the date at which he acted under such permit, a statement showing the species and number of the game or fur-bearing animals he so procured for scientific purposes.

Wood-ranger *ex-officio* a game keeper.

**20.** Every wood-ranger, appointed by the Commissioner of Crown Lands, is while in office as such *ex-officio* game-keeper for the division under his superintendence and he is not entitled to any additional salary for such services.

Game keepers may be appointed.

**21.** The Commissioner of Crown Lands may also appoint as game-keepers any other persons besides the wood-rangers and assign to them such territory or division as he may think proper under the circumstances.

Report by game keeper.

**22.** Every game-keeper shall, during the last days of the month, forward to the Crown Lands' Department a report of his proceedings during the month and of the infringements of the law which have come to his knowledge during the same period.

Power of lieutenant-governor to prohibit hunting any game, &c., during five years.  
Acts repealed.

**23.** The lieutenant-governor in council may, in his discretion prohibit the hunting or killing of any game or fur-bearing animal, for a period not exceeding five years.

**24.** All acts or parts of acts relating to game in this province and especially the Act 27-28 Victoria, chapter 52, the Act 40 Victoria, chapter 21, and the Act 43-44 Victoria, chapter 29, are hereby repealed.

Act in force.

**25.** The present act shall come into force on the day of its sanction.

## FORM A.

I, \_\_\_\_\_, undersigned game-keeper for \_\_\_\_\_, do hereby declare that I have reason to suspect and I do suspect that (game, killed or taken during the close season or furs out of season, &c., &c., (as the case may be) are at present held and concealed (describe the property, occupant, &c., and the place.)

Wherefore I pray that a warrant may be granted and given to me to effect the necessary searches, (describe here the property, &c., as above.)

Sworn before me at \_\_\_\_\_ } X. Y.  
 this \_\_\_\_\_ day of \_\_\_\_\_ } Game-Keeper  
 A.D. 18 \_\_\_\_\_  
 L. B.,  
 J.P.

## FORM B.

Province of Quebec, }  
 County of \_\_\_\_\_ }

To each and every the constables of  
 county of \_\_\_\_\_

Whereas, \_\_\_\_\_, game-keeper for \_\_\_\_\_, has this day declared under oath before me the undersigned, that he has reason to suspect and does suspect that (game, or birds killed or taken during the close season, or furs out of season, &c., as the case may be) are at present held and concealed, (describe property, occupant and place, &c.)

Therefore, you are commanded by these presents, in the name of Her Majesty, to assist the said \_\_\_\_\_, game-keeper, and to diligently help him to make the necessary searches to find the (state the birds or game taken or killed during the close season or furs out of season, &c.) which he has reason to suspect and does suspect to be held and concealed in (describe the property, &c., as above) and to deliver, if need there be the said (birds, &c., as the case may be) to the said \_\_\_\_\_, game-keeper, to be by him brought before me or before any other magistrate to be dealt with according to law

Given under my hand and seal }  
 at \_\_\_\_\_, County of \_\_\_\_\_, }  
 this \_\_\_\_\_ day of \_\_\_\_\_ }  
 A.D. 18 \_\_\_\_\_  
 L. S.

L. B.,  
 J.P.

FORM C.

GAME LICENSE.

No.....18

To (name of the person to whom the permit is given) game license good to day of

A.D. 18 (signature)

Commissioner. Fee \$

Mr. No. of

is allowed to hunt in the Province of Quebec, in conformity with the act 45 Victoria, chapter 15, from the day of

to the day of 18 (signature.)

Commissioner. Fee \$ Countersigned.

Game-Superintendent.

FORM D.

I, the undersigned, Commissioner of Crown Lands, grant, under section 19 of chapter 15 of the act 45 Victoria, to of

permission to personally procure for bona fide scientific purposes, game (or) birds (or) eggs, (or) fur-bearing animals, &c, (as the case may be) without the said being liable to any of the penalties imposed by the said act 45 Victoria, chapter 15, but upon condition that he shall comply with the requirements of the said section.

This license shall be good for the space of months.

In witness whereof, I have signed the present license and have had it countersigned by Game-Superintendent, this day of , in the year of our Lord one thousand eight hundred and eighty

(Signature), Commissioner of Crown Lands.

Countersigned, (Signature), Game Superintendent.

Fee \$