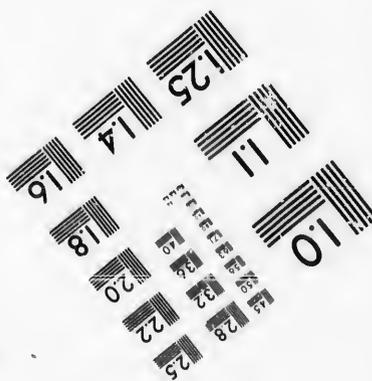
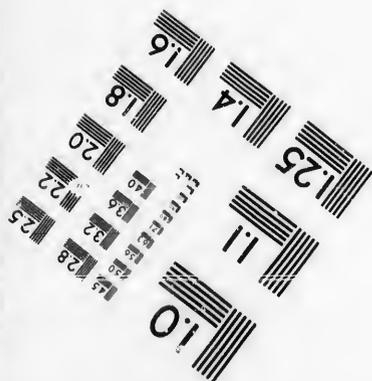
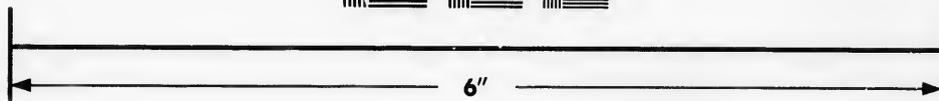
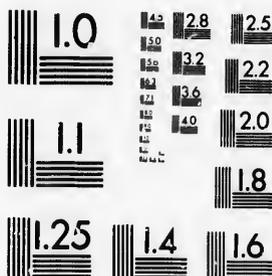


**IMAGE EVALUATION
TEST TARGET (MT-3)**



**Photographic
Sciences
Corporation**

23 WEST MAIN STREET
WEBSTER, N.Y. 14580
(716) 872-4503

15 28
16 32
18 22
20 25

**CIHM/ICMH
Microfiche
Series.**

**CIHM/ICMH
Collection de
microfiches.**



Canadian Institute for Historical Microreproductions / Institut canadien de microreproductions historiques

10

© 1986

Technical and Bibliographic Notes/Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming, are checked below.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured covers/
Couverture de couleur
- Covers damaged/
Couverture endommagée
- Covers restored and/or laminated/
Couverture restaurée et/ou pelliculée
- Cover title missing/
Le titre de couverture manque
- Coloured maps/
Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black)/
Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations/
Planches et/ou illustrations en couleur
- Bound with other material/
Relié avec d'autres documents
- Tight binding may cause shadows or distortion along interior margin/
La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure
- Blank leaves added during restoration may appear within the text. Whenever possible, these have been omitted from filming/
Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.
- Additional comments:
Commentaires supplémentaires:

- Coloured pages/
Pages de couleur
- Pages damaged/
Pages endommagées
- Pages restored and/or laminated/
Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed/
Pages décolorées, tachetées ou piquées
- Pages detached/
Pages détachées
- Showthrough/
Transparence
- Quality of print varies/
Qualité inégale de l'impression
- Includes supplementary material/
Comprend du matériel supplémentaire
- Only edition available/
Seule édition disponible
- Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image/
Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below/
Ce document est filmé au taux de réduction indiqué ci-dessous.

10X	14X	18X	22X	26X	30X
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12X	16X	20X	24X	28X	32X

The copy filmed here has been reproduced thanks to the generosity of:

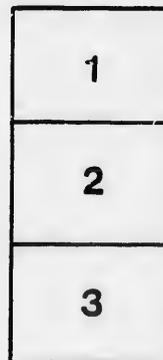
Législature du Québec
Québec

The images appearing here are the best quality possible considering the condition and legibility of the original copy and in keeping with the filming contract specifications.

Original copies in printed paper covers are filmed beginning with the front cover and ending on the last page with a printed or illustrated impression, or the back cover when appropriate. All other original copies are filmed beginning on the first page with a printed or illustrated impression, and ending on the last page with a printed or illustrated impression.

The last recorded frame on each microfiche shall contain the symbol \rightarrow (meaning "CONTINUED"), or the symbol ∇ (meaning "END"), whichever applies.

Maps, plates, charts, etc., may be filmed at different reduction ratios. Those too large to be entirely included in one exposure are filmed beginning in the upper left hand corner, left to right and top to bottom, as many frames as required. The following diagrams illustrate the method:



L'exemplaire filmé fut reproduit grâce à la générosité de:

Législature du Québec
Québec

Les images suivantes ont été reproduites avec le plus grand soin, compte tenu de la condition et de la netteté de l'exemplaire filmé, et en conformité avec les conditions du contrat de filmage.

Les exemplaires originaux dont la couverture en papier est imprimée sont filmés en commençant par la première page et en terminant soit par la dernière page qui comporte une empreinte d'impression ou d'illustration, soit par le second plat, selon le cas. Tous les autres exemplaires originaux sont filmés en commençant par la première page qui comporte une empreinte d'impression ou d'illustration et en terminant par la dernière page qui comporte une telle empreinte.

Un des symboles suivants apparaîtra sur la dernière image de chaque microfiche, selon le cas: le symbole \rightarrow signifie "A SUIVRE", le symbole ∇ signifie "FIN".

Les cartes, planches, tableaux, etc., peuvent être filmés à des taux de réduction différents. Lorsque le document est trop grand pour être reproduit en un seul cliché, il est filmé à partir de l'angle supérieur gauche, de gauche à droite, et de haut en bas, en prenant le nombre d'images nécessaire. Les diagrammes suivants illustrent la méthode.

THE
FISHERY LAWS
— OF THE —
PROVINCE OF QUEBEC

Revised Statutes of the Province of Quebec as amended by the acts
52 Vict., chap. 19, 53 Vict., chap. 20, 58 Vict., chap. 21,
59 Vict., chap. 20 and 60 Vict., chap. 24.

F

Re

THE
FISHERY LAWS
— OF THE —
PROVINCE OF QUEBEC

Revised Statutes of the Province of Quebec as amended by the acts
52 Vict., chap. 19, 53 Vict., chap. 20, 58 Vict., chap. 21,
59 Vict., chap. 20 and 60 Vict., chap. 21.

TABLE OF CONTENTS.

REVISED STATUTES OF THE PROVINCE OF QUEBEC.

TITLE IV.

PUBLIC DEPARTMENTS.

ARTICLES.

CHAP. VI.—DEPARTMENT OF LANDS, FORESTS AND FISHERIES, AND MATTERS CONNECTED THEREWITH.

SEC. VII.—Fishing in non-navigable rivers and in lakes.....	1374
1.—Interpretative.....	1374
2.—Fishing leases.....	1375
3.—Control of fishing rights and regulations.....	1377
4.—Fishing and fishing licenses.....	1378
5.—Prosecutions and fines.....	1379
6.—Fishery divisions and overseers.....	1388

TITLE XI.

MUNICIPAL CORPORATIONS, COMPANIES, SOCIETIES AND CLUBS.

CHAP. II.—CLUBS.

SEC. II.—Fish and Game protection Clubs.

1.—Incorporation.....	5493
2.—Object of Clubs.....	5494
3.—Miscellaneous.....	5495

PI

DEPA

137
section
such o

137
lands
be ma
belong
The
the de
and of
it in th

2. T
purpos
cutive
river, a
Gazette
Comm
3. T
two pu

REVISED STATUTES
— OF THE —
PROVINCE OF QUEBEC

TITLE IV.
PUBLIC DEPARTMENTS.

CHAPTER SIXTH.

DEPARTMENT OF LANDS, FORESTS AND FISHERIES
AND MATTERS CONNECTED THEREWITH.

SECTION VI.

FISHING IN NON NAVIGABLE RIVERS AND IN LAKES.

§ 1. — *Interpretative.*

1374. The word "fishery overseer," wherever used in this section, designates every person invested with the powers of such office. 51-52 V., c. 17, s. 35.

"Fishery overseer" defined.

§ 2. — *Fishing Leases.*

1375. A reserve of at least three chains in depth of the lands bordering on the rivers and lakes in the Province shall be made at the time of the sale or gratuitous grant of the lands belonging to the Crown, for fishing purposes.

Reserves for fishing purposes to be made on sales and grants.

The Lieutenant-Governor in Council may, however, reduce the depth of the said reserve, in the case of sales of islands and of lands of small extent, and also whenever he may deem it in the public interest.

Depth of reserve may be reduced.

2. These lands, as well as those already reserved for the purpose, may be leased for a period not exceeding ten consecutive years, to the highest bidder, when relating to a salmon river, after at least one month's notice, in the Quebec Official Gazette, and further published in such other manner as the Commissioner deems most advantageous.

Lease of reserve after one month's notice in Quebec Official Gazette.

3. The Commissioner may, however, in the interval between two public sales, grant, without public competition, leases for

Between two public sales Commissioner may grant, without public competition,

1374

1374

1375

1377

1378

1379

1388

5493

5494

5495

ARTICLES.

salmon leases in certain cases.

lands bordering on salmon rivers, when such lands having once been put up to public competition, have had no purchasers, or, when during such interval, the lease of any of them has been cancelled or resiliated, but then such leases shall not be granted at a rent less than the upset price in the first case, or the rate of the first lease, in the second case.

Commissioner may also grant such leases when cost of notice will ex-
ceed five.

4. Powers similar to those mentioned in the proceeding paragraph are also given to the Commissioner in cases in which salmon rivers may be leased in the interval between two public sales, and it is evident that the cost of the required notices would occasion expenses out of proportion to the profits to be received.

Private leases on lakes and rivers.

5. The Lieutenant-Governor in Council may, when the public interest requires it, authorize the leasing by private agreement of lands, reserved for fishing purposes, bordering on lakes and rivers. 51-52 V., c. 17, s. 1 ; 58 V., c. 20, s. 1.

New lessee of lands previously adjudged to another to pay for improvements.

1376. Whenever any lease of lands previously under lease to any person is adjudged 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, and which must not surpass in value the improvements which he would have to make for his own use during the existence of his lease.

Value, how determined and paid.

This value, in case of difference of opinion, is definitely 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 within a delay of one month.

Proviso.

If by error, etc., lease comprises lands already leased, it shall be null *pro tanto*.

If, in consequence of any incorrectness in the surveys, 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 partial null. 51-52 V., c. 17, s. 2.

No damage to the holder of such lease.

Rights of lessee.

2. The lease confers upon the lessee, for the time therein determined, the right to take and retain exclusive possession of the lands therein described, subject to the regulations and restrictions which may be established, and gives him the right to fish in the waters fronting on such lands in conformity with

the p
to pu
and t
perso
or wh
provis
to cut
cense,
and o
the t
any fl
other
of all
and ca
ing al

The
also b
under
those l

3. "
propri
other p
their
caught
proper
and su
prison

The
new to
dents o
and th
force o
untill
sold.

4. Th
the nar
tion sec
for the

5. Ea
the terr
secure
to it.

the provincial and federal regulations then in force, and also to prosecute in his own name any illegal possessor or offender, 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 saw logs and other timber, within the limits of his license, and, during the term thereof, it shall be lawful for him to make use of any floatable river or waters 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.

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. 51-52 V., c. 17, s. 3.

Right of passage reserved.

3. "If any person, without the permission of the lessee, the proprietor or their representatives, fishes or employs any other person to fish, or assists in fishing in waters in front of their land, he shall not acquire any right to the fish so caught, which may be forfeited and become the property of the lessee or the proprietor, as the case may be, and such person shall therefor be liable to a fine or imprisonment mentioned in paragraph 2 of article 1380."

Penalties upon persons fishing upon lands so leased: forfeiture of fish, fine and imprisonment.

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 their subsistence and that of 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. 51-52 V., c. 17, s. 4.

Reserves for residents in new townships to fish for subsistence or of family.

4. The leases of lands conferring fishing rights are made in the name of one person or of a club incorporated under section second of chapter fifth of title eleventh respecting clubs for the protection of the fish and game. 51-52 V., c. 17, s. 5.

Lease to be made in name of one person or of club.

5. 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 it.

Lessee to establish guardianship.

Lessee answerable for damages to timber by waste, &c., fire, &c., unless he prove that all due precaution has been taken.

He shall further be answerable for damages caused by himself, or by the people 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 such precautions have been taken. 51-52 V., c. 17, s. 6.

Lessee to transmit each season statement of fish caught.

6. The lessee shall be obliged to transmit to the Department of Lands, Forests and Fisheries, as soon as possible after the close of each angling season, a statement of the number and weight of fish caught in the waters affected by such lease. 51-52 V., c. 17, s. 7.

Rent payable in advance.

7. The rent shall be paid in advance, and any lessee who fails so to pay in advance, shall not have a right to the renewed of his lease.

Lease annulled for infringement.

The lease of any person convicted of an infringement of this section or of any regulation under it, may be annulled by the Commissioner. 51-52 V., c. 17, s. 8.

Excessive or illegal fishing involves cancellation of lease.

8. 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.

Lessee found guilty deprived for five years of right to obtain another lease.

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. 51-52 V., c. 17, s. 9.

Sub-letting prohibited without consent of Commissioner.

9. 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.

Fee of transfer on lease.

For receiving such transfer a fee of five dollars shall be exacted. 51-52 V., c. 17, s. 10.

§ 3. — Control of Fishing Rights and Regulations.

Commissioner may assume control of fishing rights for certain purposes.

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 a river or lake, with a view of giving them greater value or of leasing the same in conjunction with those pertaining to ungranted lands along such rivers or lakes. 51-52 V., c. 17, s. 11.

2. 7
tion,
inter
51-52

133
any v
ded l
fish-w
heries
be ma
passa

The
cribed
person

132
ceding
day d
a fish
occup

132
and sh
fulfil
requir
or any

132
do au
ing or
rised
two no
not les
ment,
V., c. 1

137
waters
For
Comm

2. The Lieutenant-Governor in Council may, in his discretion, make such regulations as he may deem necessary in the interest of the good management of fishing in this Province. 51-52 V., c. 17, s. 12.

Regulations to be made by Lieutenant-Governor in Council.

1377a. Every dam, slice or other obstruction across or in any waters under the control of this Province, shall be provided by the owner or occupant with a durable and efficient fish-way, where the Commissioner of Lands, Forests and Fisheries, determines it to be necessary, and such fish way shall be maintained in a practical and effective condition for the passage of fish through the same. 58 V., c. 20, s. 3.

Fish way to be provided at dams, &c.

The place, form and capacity of the fish-way may be prescribed by notice in writing by the Commissioner or by any person under instructions from him. 58 V., c. 20, s. 2.

Commissioner to notify as to place, &c.

1377b. Every one who violates the provisions of the preceding article shall incur a penalty of four dollars for each day during which such obstruction remains unprovided with a fish-way, after three days' notice in writing to the owner or occupant thereof. 58 V., c. 20, s. 2.

Fine for violating provisions of preceding article.

1377c. Fish-ways shall be kept open and unobstructed, and shall be supplied with a sufficient quantity of water to fulfil the purposes of this article during such times as may be required by the Commissioner of Lands, Forests and Fisheries, or any person acting under his instructions. 58 V., c. 20, s. 2.

When fish-ways to be kept open.

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

Penalty for injuring, &c., fish-ways

§ 4.—*Fishing and Fishing Licenses.*

1378. Line fishing only (rod and line) is permitted in the waters of lakes and non-floatable rivers of the Province.

Angling alone permitted.

For any other mode of fishing a special authorization of the Commissioner is required. 51-52 V., c. 17, s. 13.

Authorization required.

Persons domiciled in Province do not require license to fish.

Persons not so domiciled must procure license.

Fee on license.

Licenses, when where, and for whom valid.

2. Persons having their domicile in the Province of Quebec do not require license to angle in the waters of the lakes and rivers which are not under lease, and which are the property of the Crown. 51-52 V., c. 17, s. 14.

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

The fee required is determined, in each case, by the Commissioner, but it shall never be less than ten dollars. 51-52 V., c. 17, s. 15.

4. Licences are only valid for the time, place and persons therein indicated. 51-52 V., c. 17, s. 16.

"1378a. After the first ten days of the close season, all railway, steamboat and other companies and public carriers are forbidden to carry any kind of fish comprised in such prohibition ;

Any railway, steamboat or other company, or any person favoring in any manner whatever the contravention of this article, shall be liable to a penalty of not less than two dollars and not more than twenty dollars.

Nevertheless, it is lawful for the Commissioner of Lands, Forests and Fisheries, at any time, to grant transport permits when it has been established to his satisfaction, that the fish which it is desired to transport have been taken during the time when fishing is allowed and in a lawful manner.

For such permits there may be exacted a fee, the amount whereof shall be fixed by the Commissioner, according to circumstances, but which shall not exceed five dollars."

§ 5.—Prosecutions and Fines.

Any infringement a distinct contravention and punishable as such.

Fine for each offence.

Fines discretionary in certain cases.

1379. Any infringement, at any time, of any provision of this act, or of any regulation made under its authority, is a distinct contravention and may be punished accordingly. 51 52 V., c. 17, s. 17.

1380. Every offender is punishable, for each offence, by a fine of not less than five dollars or more than twenty dollars, in addition to the costs.

If it appears to the magistrate who gives judgment that the offence was committed through ignorance of the law, and that

the fi
may

2. I
te tim
be sei
being
prison
51 52

138
person
52 V.,

138
before
51 52

* 138
vice a
five le
gues o
where
takes p

Whe
defend
turnab
fore hi
the wr
dant.

138
within
vention

138
obtaine
five day
sioner.

138
nation
No w
reason
was fou
justify

the fine is too great owing to the poverty of the defendant, he may exercise a discretionary power. 51-52 V., c. 17, s. 18.

2. If the defendant does not pay the fine, with costs, within the time determined by the court, his goods and chattels may be seized and sold to pay them; and in the event of there not being any moveables and effects, he shall be liable to an imprisonment of not less than eight days or more than one month. 51-52 V., c. 17, s. 19.

If fine not paid, goods may be seized and sold; if insufficient defendant may be imprisoned.

1381. The whole of the fine belongs in each case to the person who has obtained the judgment of condemnation. 51-52 V., c. 17, s. 20.

Fine to belong to complainant.

1382. All fines may be summarily recovered on complaint before a magistrate on such proof as he may deem necessary. 51-52 V., c. 17, s. 21.

Fines recoverable by summary process before magistrate.

1383. There shall be three days interval between the service and the return of a 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.

Delays upon service of 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. 51-52 V., c. 17, s. 22.

Magistrate may issue summons returnable immediately or warrant of arrest.

1384. The suit for the recovery of fines must be taken within six months, counting from the day that the convention took place. 51-52 V., c. 17, s. 23.

Prescription of suits.

1385. 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. 51-52 V., c. 17, s. 24.

Reports of suits by fishery overseer.

1386. No proceedings shall be dismissed, nor any condemnation annulled, by reason of any defect in form.

Proceedings not invalid through defects of 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. 51-52 V., c. 17, s. 25.

Warrant not invalid for irregularity

Forms to be used under this section.

1387. The forms of proceedings, summonses and notices, made use of under this section and under the regulations made in virtue thereof, may be according to the forms A. B. C. D. E., of the annexed schedule or in any other form; in other respects, the laws relating to summary proceedings before justices of the peace apply to cases provided for by this section. 51-52 V., c. 17, s. 26.

Law applicable.

§ 6. — *Fishery Divisions and Overseers.*

Fishery divisions and appointment of overseers.

1388. The Lieutenant-Governor in Council may, if he considers it expedient for the better protection of fisheries, divide the Province into fishery division, and may appoint a fishery overseer for each division, whose duties shall be defined by special regulations. 51-52 V., c. 17, s. 27.

Remuneration of overseers and others.

1389. 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 made under it, 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. 51-52 V., c. 17, s. 28.

Appointment of overseers for lakes and rivers under lease.

1390. The Commissioner may, upon the recommendation of lessees of fishing rights, or without such recommendation in their default so to do, or if their recommendation be not acceptable, appoint as many overseers as he may deem necessary for the effectual protection of the fisheries in the lakes and rivers under lease.

Overseer to be sworn.

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. Their services shall be paid by the lessees. 51-52 V., c. 17, s. 29.

To be paid by lessee.

Agents, &c., of Lands, Forests and Fisheries, to be *ex-officio* overseers.

1391. The agents and sub-agents of the Lands, Forests and Fisheries, the wood rangers and their superintendents, and the game-keepers appointed by the Commissioner are *ex officio* fishery overseers while in office, each for the division confided to his superintendence.

No additional salary.

The Commissioner may also appoint such local fishery overseers as he may deem necessary; they shall not have any right to additional salary for such service. 51-52 V., c. 17, s. 30.

1386.
all th
as we
conce
withi

1387.
convic
guilty
able u
to rem
mater
V., c.

1388.
seize,
ventio
With
of arti
effects
facto, t
made
petitio
value

A re
the Co
2. Th
that co
3. Th
costs in
52 V.,

1389.
searche
where
in cont
regulat
use is p

2. In
and oth
that pu
provide
V., c. 17

1392. The fishery overseers, under this section, shall have all the powers of a justice of the peace, each 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. 51-52 V., c. 17, s. 31.

Fishery overseers to have powers of justice of the peace

1393. Every fishery overseers or other magistrate may convict on view, within the limits of his division, all persons guilty on an infringement or of an act of negligence punishable under the provisions of this section, and he is authorized to remove or cause to be removed immediately and retain all materials and fishing appliances prohibited by the law. 51-52 V., c. 17, s. 32.

Overseers, etc., may convict on view.

And confiscate materials, etc., prohibited by law.

1393a. Every fishery overseer or other magistrate shall seize, or cause to be seized, all fish taken or kept in contravention of the laws and regulations in force in this Province.

Seizure of fish taken in contravention of the law.

Without prejudice to the provisions of the third paragraph of article 1376, all the materials, fishing appliances and other effects carried away, as well as the fish seized, become, *ipso facto*, the property of the fishery overseer or magistrate who made or gave the order for the seizure, unless, upon summary petition the Circuit Court or Superior Court, according to the value of the effects in question, otherwise decides.

Materials, fishing appliances, etc., seized to become property of overseer, etc.

A report of the proceedings shall be immediately made to the Commissioner by the fishery overseer or the magistrate.

Report to Commissioner.

2. The provisions of article 1395 apply to this article for all that concerns the limits of the several fishery divisions.

Application of art. 1395.

3. The government shall not be held responsible for any costs incurred in virtue of the above-mentioned proceedings. 52 V., c. 18, s. 1.

Government not liable for costs.

1394. Every fishery overseer or other magistrate may make searches or grant a warrant to search in any craft or places where he has reason to suspect that there may be fish, taken in contravention of the provision of this section and of the regulations made under its authority, or any object whose use is prohibited. 51-52 V., c. 17, s. 33.

Overseers may make searches or grant search warrants.

2. In the performance of his duties, every fishery 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. 51-52 V., c. 17, s. 35.

Overseers, etc., may enter on private property.

When offence committed on or near limits of several divisions, etc., it may be prosecuted for before magistrate, etc., of any such divisions.

1395. When an offence against the provisions of this section and the regulations made under its authority is committed on or near the waters serving as limits between several counties or several judicial districts or fishery divisions, such offender may be prosecuted before any magistrate of such districts or divisions, or before any fishery overseer for any one or other of such districts or divisions. 5152 V., c. 17, s. 34.

SCHEDULE

FORM OF PROCEEDINGS

FORM A

Complaint

Province of Quebec, }
 District of } -

On this _____ day of _____, 18

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

A. B. of _____, complains that C. D. _____, of

_____, (*state briefly in clear terms the offence and the place whereit occurred*) in contravention of section seventh of chapter sixth of title fourth of the Revised Statutes of the Province of Quebec, respecting fishing in non-navigable rivers and in lakes.

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

(Signature)

51-52 V., c. 17, form A.

A. B.

FORM B

Summons to Defendant

Province of Quebec, }
 District of _____, 18 . }

T. 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 section seventh of chapter sixth of title fourth of the Revised Statutes of the Province of Quebec, respecting fishing in non-navigable rivers and in lakes; there-

C. D. to forfeit (and pay) the sum of _____ (or mention the thing forfeited), to be apply according to law, and also to pay A. B., (the complainant) the sum of _____ for costs :

(If the penalty be not forthwith paid, add) and the said C. D., having failed 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 _____

J. S.

(as in summons),

51-52 V., c. 17, form D.

[L. S.]

FORM E.

Form of Warrant of Commitment for non-payment of penalty or forfeiture and costs.

Province of Quebec, }
District of _____ }

To the Constables and Peace Officers of the District of _____ and to the Keeper of the Common Gaol of the said District, at _____

Whereas C. D., of _____, was on the _____ day of _____ 18 _____, convicted before me, for that he, &c., (as in conviction), and I did thereupon adjudge the said C. D. to forfeit and pay to A.B.&c., (as in conviction); and whereas the said C. D. hath not paid the said forfeiture and costs; therefore, I command you, the said constables and peace officers, or any of you, to convey the said C. D., to the common gaol for the _____ of _____, at _____ and deliver him to the keeper thereof with this warrant; and I command you, the said keeper of the said gaol, to receive the said C. D. into your custody and keep him safely imprisoned in the said gaol for the space of _____, and for so doing this shall be your sufficient warrant.

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

J. S.

(as in summons).

51-52 V., c. 17, form E.

[L. S.]

TITLE XI.

MUNICIPAL CORPORATIONS, COMPANIES, SOCIETIES AND CLUBS,

CHAPTER FIFTH.

CLUBS.

SECTION II.

FISH AND GAME PROTECTION CLUBS.

§ 1.—*Incorporation.*

5493. The Lieutenant-Governor in Council may, on the recommendation of the Commissioner of Lands, Forests and Fisheries, and subject to the payment of such fee as may be determined on, grant a corporate existence to any number of persons, not less than five, who petition therefor, constituting such persons, and all others who may afterwards become members of the club thereby created, a body corporate and politic, for the purpose of enabling them to acquire and hold such property, real and personal, as may by necessary and requisite to accomplish the objects and purposes of their incorporation. 48 V., c. 12, s. 1.

Fish and game clubs may be formed.

Their powers.

§ 2.—*Object of Clubs.*

5494. The aim and end of all such clubs shall be to aid in the enforcement of the laws and regulations for the protection of fish and game in the Province.

Aim of such clubs.

Whenever the Lieutenant-Governor in Council is satisfied, upon satisfactory evidence, and upon report that any club created under this section is engaged in any other pursuit than the foregoing, the powers conferred in virtue of the preceding article shall be revoked. 48 V., c. 12, s. 2.

Power to revoke in certain cases.

§ 3.—*Miscellaneous.*

5495. The members of any such club may adopt such by-laws, rules and regulations for the management of their affairs as they see fit.

Power of clubs to adopt by-laws, etc.

Coming into force
of such by-laws,
&c.

As soon as such by-laws, rules and regulations have received the approval of the Commissioner of Lands, Forests and Fisheries, they shall have full force and effect. 48 V., c. 12, s 3.

List of members to
be sent to the Com-
missioner of
Lands, Forests and
Fisheries annually.

5495a. Every such club shall forward to the Commissioner of Lands, Forests and Fisheries every year, on or before the first day of March, a duly certified list of its members, containing an indication of their usual residence.

Application of
certain provisions.

5496. In so far as applicable, the provisions of the law respecting joint stock companies shall govern clubs formed and organized under this section. 48 V., c. 12, s. 4.

BA
M
PI
SA
SP
GR
LA
LU
OU
WI

s have
Forests
8 V., c.

issioner
ore the
rs, con-

he law
formed

CLOSE SEASON

FOR FISH.

BASS	shall not be caught, sold or had in possession	from 15th April to 15th June.
MASKINONGÉ	do	from 25th May to 1st July.
PICKEREL (Doré)	do	from 15th April to 15th May.
SALMON	do	from 15th August to 1st February.
SPECKLED TROUT	do	from 1st October to 30th April.
GREY TROUT, LAKE TROUT OR LUNGE	} do	from 15th October to 1st December.
OUANANICHE	do	from 15th September to 1st December.
WHITEFISH	do	from 10th November to 1st December.

(NOTE.— Both days inclusive in each case.)

