

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.

- 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
- Only edition available / Seule édition disponible
- 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 restorations 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: **Cover title page is bound in as last page in book but filmed as first page on fiche.**

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 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
- 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.
- Opposing pages with varying colouration or discolorations are filmed twice to ensure the best possible image / Les pages s'opposant ayant des colorations variables ou des décolorations sont filmées deux fois afin d'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 type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <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 | | | | | | | |

No. 10.

2nd Session, 7th Parliament, 26 Victoria, 1863.

BILL.

An Act to amend chapter sixty-two of the Consolidated Statutes of Canada, respecting Fisheries and Fishing.

Received and read, first time, Friday, 27th
February, 1863.

Second Reading, Monday, 2nd March, 1863.

Mr. PRIOR.

QUEBEC.

PRINTED FOR THE CONTRACTORS BY HUNTER,
ROSE & LEMIEUX, ST. URSULE STREET.

An Act to amend chapter sixty-two of the Consolidated Statutes of Canada, respecting Fisheries and Fishing.

WHEREAS, with a view to secure the more efficient working of the Preamble.
 "Act respecting Fisheries and Fishing," chapter 62 of the Consolidated Statutes of Canada, it is requisite to make additions and amendments thereto :—

5 Therefore, by and with the consent of Her Majesty, etc., etc., etc., enacts as follows:

1. The first section of the said Act shall be amended by substituting Sec. 1 amend-
ed. the words "Twenty-one," for the word "Nine," after the words "For any term not exceeding."
- 10 2. The fifth section of the said Act shall be amended by adding, Section 5
amended.
Proviso. "or more," after the word "four," in the seventh line of the said section, before the words, "overseers may be appointed;" provided always that the pay or salaries of all such overseers shall not exceed in the aggregate the amount allowed by the said section.
- 15 3. The eighteenth section of the said Act shall be amended by substituting Section 18
amended. the word "five" for the word "three," before the words "inches in extension" in the third line; and by substituting the word "three" for the word "two" before the words, "and a half inches" in the fourth line.
- 20 4. The twenty-first section of the said Act shall be amended by Section 21
amended. adding the words, "or near" after the words, "in any way whatever at," in the first and second lines.
5. The twenty-fifth section of the said Act shall be amended by Section 25
amended. omitting the words, "knot to knot," in the second line.
- 25 6. The third section, and the six sub-sections thereof, of the said Act, shall refer to deep-sea fishing; and the words, "bait and fish" in Section 3 to
apply to deep
sea-fishing. the first line of the first sub-section shall mean "caplin, herring, lance, mackerel, squid, and smelt.
- 30 7. The following shall be substituted for the twenty-seventh section Addition to
section 27. of the said Act :— "It shall not be lawful to fish for, catch or kill any kind of trout or lunge in any way whatever, between the first day of October and first day of December in any year, in Lower Canada.
- 35 8. The thirty-first and thirty-second sections of the said Act, Secs 31 and 32
amended. and in as far only as regards the maskinonge, pickerel, or pike, are repealed, the killing or taking of which fish is hereafter permitted at any season, in both sections of the Province.
9. The thirty-fifth section of the said Act shall be amended by Section 35
amended. adding the words: "Above high-water mark, for carrying on of the

deep-sea fisheries along the coast," after the words, "any fishing station," in the second line of the said section.

New provision substituted for section 23.

Fish-ways to be provided to dams, &c.

Penalty.

10. The following shall be the substituted for the twenty-third section of the said Act :—“ Every proprietor, tenant or occupant of any dam or other artificial obstruction to the free passage of fish in any river which fish may or have been known formerly to frequent, and are now unable to ascend, shall, for the purpose of affording a passage to the fish, attach and maintain (at the cost of such proprietor, tenant or occupant) to each dam or other artificial obstruction, a fish-way or pass, of such form or dimensions as will provide an easy and certain passage to salmon or other fish ; under a penalty of *four dollars* for each day during which such proprietor or proprietors shall fail to do so, after two months' notice by the Superintendent of Fisheries, or any other officer acting under instructions from the Commissioner of Crown Lands.”

To what rivers, and in what cases only the next preceding section shall apply.

11. The requirements of the next preceding section of this Act shall be held to be compulsory only as affecting rivers in Upper Canada upon which fish-ways may be required to be made by special direction of the Superintendent of Fisheries, under authority of the Commissioner of Crown Lands, and in Lower Canada, only on such rivers as have hitherto been known as frequented by salmon or shad ; and no proprietor of an upper dam or artificial obstruction to the passage of salmon shall be held to be in contravention of the preceding clause or section numbered ten of this Act, during the period that any dam or artificial obstruction to the passage of salmon lower down on the same river, has not been removed or a fish-way or pass erected thereon.

Fish-ways may be constructed and cost recovered by Superintendent of Fisheries, if the owner of the dam does not construct them on notice.

12. For the purpose of carrying out the two preceding sections, numbers ten and eleven of this Act, after two months' notice have been given, as therein stated, to any proprietor or proprietors of dams or other artificial obstructions, as also therein stated, and then if within one month thereafter, such fish-way or pass is not constructed, the Inspector of Fisheries, in the name of the Crown, may cause such fish-way to be erected under his orders and instructions, and the cost thereof shall be paid by the said proprietor or proprietors of such dam or obstruction, on the completion of the said fish-way ; and on the refusal to make such payment immediately, the Superintendent of Fisheries may sue for the cost and expenses incurred in so doing, in the nearest court of law having jurisdiction within the Province.

Certain fish not to be killed by spearing, &c., or by torch-light.

13. It shall not be lawful to fish for, catch or kill salmon, salmon trout, sea trout, or trout of any kind, lunge, winnoniche bass, or dorée, by means of spear, grapnel hooks, nigogue, nishagans, nor by aid of torchlight or any other artificial light ; and any of the said fish found or killed in contravention of this section shall be forfeited, and the transgressor or accessories subject to the penalties imposed by the twenty-fourth section of the said Act.

Salmon fry, parr, or smolt not to be killed.
Penalty.

14. It shall not be lawful to fish for, kill, or have in possession any salmon fry, parr or smolt ; and any party found in possession of any such fish, shall forfeit for each such fish, the sum of not less than *twenty cents*, or more than *one dollar*, with costs, together with all apparatus that may have been used to capture any of the said salmon fry, parr, or smolt.

Close time for white-fish.

15. It shall not be lawful to catch or take white-fish, by use of any kind of net or nets, between the first day of June and 15th day of September in any year, in Upper Canada, or between the first day of August and first day of December, in Lower Canada.

16. It shall not be lawful to catch or take, in any way whatever, the fresh-water herring in any of the lakes of Lower Canada between the tenth of May and the tenth of July, in any year. For fresh-water herring.

17. In every standing salmon net in the estuary, or within five miles of any salmon river in Lower Canada, there shall be allowed a "salmon pass" or "gap" in each and every chamber, the dimensions of which shall be two feet wide, and shall extend from the beach, or one foot therefrom, to the top of the net, or to within two feet therefrom, and that such pass or gap shall be open from low tide on Saturday afternoon to low tide on the following Monday morning; provided always, that where the neap tides will not admit of such pass or gap being made, the entrance gate or pass to each and every chamber shall be completely closed in lieu thereof; and that all bag, gill or floating nets situated, as aforesaid, in the estuary or within five miles of any salmon river, shall be removed and taken on shore, from every Saturday evening at six o'clock till Monday morning following at six o'clock, and all such nets found in contravention of this section shall be and are hereby confiscated to the Crown: provided always, that due notice has been given to all holders of fishing leases and parties using such nets. Passes or gaps to be made in salmon nets off mouths of rivers and left open at certain times. Penalty. Proviso.

18. The Governor in Council may grant special leases and licenses for any term of years to any person or persons who may wish, and will oblige themselves to carry out the artificial production of salmon in any river or rivers that flow through the lands of the Crown; provided that such river or rivers are continually stocked to their full extent of production, and that the terms and conditions of the lease or license are faithfully carried out. Leases of rivers may be granted for artificial productions of salmon.

19. The Governor and Council may grant special licenses and leases to any party or parties, for any term of years, who may wish to plant or form oyster beds in any of the bays or between any of the islands on the coast of Canada and in the St. Lawrence; and the holder of any such lease or license shall have the exclusive right to fish for or dispose of the oysters produced or found on the beds, within the limits of any such license, for the term of such lease. Leases for oyster beds.

20. With a view of obtaining correct and true statistical information in regard to the fisheries in general of the Province, it shall be, and is hereby enacted, that all parties engaged in any way in the fisheries of the Province, whether in deep-sea, coast, river or lake fisheries, shall, before the first day of November, as soon as the fishery they are engaged in is closed, send a true and detailed statement of the entire catch and value of such fisheries to the Commissioner of Crown Lands of this Province, and such statement shall be under oath, before a justice of the peace or stipendiary magistrate, or where no such magistrate resides or is to be found, before two witnesses who shall have power by this Act to administer such oath; and any party or parties so engaged in the fisheries failing to make such return or statement shall incur a penalty of not less than *ten dollars* or more than *one hundred dollars*, in proportion to the value of such fishery. Returns of all fisheries to be made yearly to Commissioner of Crown Lands. Penalty for default.

21. It shall not be lawful, in the Districts of Gaspé, Magdalen Islands, or on the north or south shore of the river St. Lawrence, to take fish of any kind for the express purpose of manuring land; provided always that fish offal of any kind may be used for that purpose. Fish not to be taken solely for manure.

22. The words "proprietor," "tenant" or "occupant," in the 10th, 11th and 12th sections of this Act, shall include any proprietor or proprietress, joint proprietors or proprietresses, joint occupants or tenants, possessing or using such dam or obstruction; and in any case where married women are concerned, their husbands shall be jointly responsible with them. Interpretation.