



CHAPTER 49

An Act to provide for the establishing of the Mount Orford National Park

[Assented to, the 8th of April, 1938]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

- 1.** This act may be cited as the *Mount Orford National Park Act*. Short title.
- 2.** In this act:
 - a.** "Minister" designates the Minister of Mines and Fisheries; Interpretation:
"Minister";
 - b.** "superintendent" designates the officer appointed under section 9; "Superintendent";
 - c.** "park" means the Mount Orford National Park; "Park";
 - d.** "regulation" means any regulation adopted under the authority of this act. "Regulation".
- 3.** The Lieutenant-Governor in Council may fix a territory in the counties of Brome, Shefford, Sherbrooke and Stanstead, and more particularly in the townships of East Bolton (Brome), Stukely (Shefford), Orford (Sherbrooke) and Magog (Stanstead), and including Mount Orford, to constitute the park contemplated under section 5. Fixing of territory to constitute park.
- 4.** The Lieutenant-Governor in Council may authorize the Minister to accept in the name and on behalf of the Government, by gratuitous title, the private lands Acquiring, etc., of certain private lands.

tuated within the territory mentioned in section 3, or to acquire same himself by means of the contributions furnished to him in virtue of section 16.

Reserving of such lands as park.

5. The lands acquired or received by the Government in virtue of section 4, or acquired by any of the municipal corporations whatsoever contemplated under section 16, to form part of the park, shall be reserved immediately upon such reception or such acquisition as a public park and pleasure ground, under the name of Mount Orford National Park.

Name.

Limitation as to ceding.

6. The Government shall not cede the lands forming part of the park. Neither shall the municipal corporations do so, except to the Government.

Id., as to use of lands.

Such lands shall not be assigned to colonization purposes and they are withdrawn from all mining or forest operations. The Lieutenant-Governor in Council may, however, notwithstanding any law or regulation to the contrary, authorize, upon such conditions as he may determine, the carrying on of forest operations with respect to the trees in the park at least fifty years in existence.

Id., as to occupying, etc.

No person may utilize or occupy any portion of such land except under the authority of this act or of the regulations.

Appointing, etc., of wardens, etc.

7. The wardens and other officers, temporary or permanent, necessary for the carrying out of this act, shall be appointed by the Lieutenant-Governor in Council, upon the recommendation of the Minister, and their duties and salaries shall be fixed by the Lieutenant-Governor in Council; every warden and officer shall have the powers of a peace officer in the park.

Taking of oath by such persons.

8. Such wardens and officers must, before acting as such, take the following oath before any person authorized by law to administer oaths, or before the superintendent:

Form of oath.

"I, the undersigned, A. B., warden *or officer* of the Mount Orford National Park, solemnly swear that I will faithfully and to the best of my ability, honestly and without partiality discharge my duty and functions as warden *or officer* of the Mount Orford National Park; so help me God!"

Appointing of superintendent.

9. The Lieutenant-Governor in Council may appoint a superintendent for the carrying out of this act and of the regulations made under its authority and may fix his salary.

The superintendent shall have the powers of a justice His powers. of the peace with respect to any matter connected with the carrying out of this act.

The superintendent, before acting as such, must take Taking of oath. the oath according to the form of section 8, *mutatis mutandis*.

10. The Lieutenant-Governor in Council may make Making of regulations by Lt.-G. in C. for matters concerning the park. regulations for:

a. The laying out, control and management of the park;

b. The protection of the flora, fish, game and other animals;

c. The prevention and extinction of fires;

d. The admission of visitors to the park;

e. The management and regulating of fishing and the prevention and suppression of anything harmful in the lakes and water courses;

f. The issuing and the price of licenses and permits;

g. The construction of highways, roads and paths, as well as the erection of cottages and hotels and the organizing of camping grounds;

h. The powers and duties of the superintendent, wardens and officers;

i. The exclusion of undesirable persons, of trespassers and of persons who refuse to comply with this act or any regulation;

j. The public health and prevention of disease;

k. The prohibiting or controlling, within a radius of one thousand feet from the limits of the park, of commercial establishments, signboards and notices;

l. Any other purpose relating to the carrying out of this act.

11. Any person infringing any provision of this act or of any of the regulations shall be liable, in addition to all Offence and penalty. civil liability and to the costs, to a fine of not less than ten dollars nor more than one hundred dollars, and, upon failure to pay such fine and costs, to an imprisonment of not less than one month nor more than three months.

12. The superintendent or any peace officer may arrest Arresting, etc., of offenders. on view or remove from the park any person found infringing the provisions of this act or the regulations.

Confiscation of nets, etc. **13.** All nets, traps, spears, firearms or instruments whatsoever lawfully confiscated shall be sold by the superintendent under the instructions of the Minister and the proceeds of the sale, after deducting the expenses, shall be applied in accordance with section 14.

Employment of fines, etc. **14.** The fines collected shall belong to His Majesty and be devoted towards paying the expenses incurred in carrying out this act. The revenues from the issuing of licenses and permits shall be employed in the same way.

Expenses. **15.** The Lieutenant-Governor in Council may, upon the recommendation of the Minister, authorize the payment, upon such conditions and in such manner as he may determine, out of the consolidated revenue fund, of an amount not exceeding fifty thousand dollars for the carrying out of this act.

Expenditure by certain municipal councils. **16.** Notwithstanding any provision to the contrary of any prior act, general or special, the municipal council of any city, town, village or township of the counties of Brome, Compton, Missisquoi, Richmond, Shefford, Sherbrooke and Stanstead may, by resolution and without any approval other than that of the Minister of Municipal Affairs, Trade and Commerce and of the Quebec Municipal Commission, authorize such expenditure as it may deem expedient to aid in the establishing of the park.

Utilization of such expenditure. The amount of the expenditure authorized may be used by the municipal corporation for the purchase of lands comprised within the territory mentioned in section 3 or paid over to the Government as a contribution towards the organizing of the park.

Ceding to Government. Whenever the municipal corporation has employed such expenditure for the acquisition of such lands, it may cede such latter, by gratuitous title, to the Government.

Coming into force. **17.** This act shall come into force on the day of its sanction.