



CHAPTER 29

An Act to amend the Quebec Mining Act

[Assented to, the 20th of April, 1934]

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

1. Section 3 of the Quebec Mining Act (Revised Statutes, 1925, chapter 80), as amended by the acts 16 George V, chapter 27, section 1; 18 George V, chapter 32, section 1; 20 George V, chapter 41, section 3, and 22 George V, chapter 42, section 1, is again amended by adding thereto, after paragraph 18 thereof, the following paragraph:

"19. The word "operator" means any person who makes or directs, or allows to be made or directed, in a mine owned, leased or occupied by him, any one of the mining operations contemplated by paragraph 1 of this section."

2. Section 28 of the said act is amended by inserting therein, after the word: "following", at the end of the last paragraph thereof, the words: "except in the case of the special license authorized by the Lieutenant-Governor in Council under section 182".

3. Section 31a of the said act, as enacted by the act 16 George V, chapter 27, section 5, and amended by the act 20 George V, chapter 41, section 8, is replaced by the following:

"**31a.** Every owner of a mining concession who de-Approval votes the whole or part of his land to building purposes prior to disposal, etc., shall, before disposing of any lot of land for such purpose, or of land, permitting or tolerating the erection thereon of dwelling houses or other constructions, have a subdivision plan

approved by the Minister and pay him, in addition to the price already given for the mining concession, a sum of twenty-five dollars for each lot not over five thousand square feet in area, shown on the plan.

Nullity of
sale, etc.

Every sale, lease, transfer or cession of lots made contrary to the provisions of this section shall be null, and the owner of the mining concession shall be liable to a fine of fifty dollars for each lot of land sold, leased, transferred or ceded, or upon which he has permitted or tolerated the erection of dwelling houses or other constructions, contrary to the provisions of this section."

R. S., c. 80,
s. 49a,
added.

4. The said act is amended by adding thereto, after section 49 thereof, the following section:

Staking of
claims
restricted.

"**49a.** Any person who has staked out the maximum area allowed by the preceding sections 48 and 49 shall not be permitted to stake out other claims, except as mandatory under section 50, until he has obtained a mining license in accordance with section 58, covering the claims which he already holds, or until he has abandoned them, or disposed of them under section 31."

R. S., c. 80,
s. 54a,
added.

5. The said act is amended by adding thereto, after section 54 thereof, the following section:

Construc-
tions res-
tricted.

"**54a.** No holder of a mining claim nor of a mining license may erect, or allow or tolerate that there be erected, on the Crown land covered by his claim or his mining license, constructions other than those necessary for his operations. The erection of any other construction shall render the mining claim or mining license cancellable by the Minister, if within the delay fixed by the latter, which delay must not be less than one month, the holder has not removed such constructions.

Removal.

Period for
removal.

Every camp house or other construction erected by the holder of the claim or the license on ground covered by his title may be removed within the six months following the abandonment or expiration of the claim or license. After such delay, the constructions shall remain the property of the Crown.

Sale, etc.

If during such delay the ground be again staked out, the constructions may be sold or ceded to the new occupant."

R. S., c. 80,
s. 62, am.

6. Section 62 of the said act is amended by adding thereto the following paragraph:

Extension
of provision.

"The Minister may, however, extend this provision to a larger group of claims if diamond drilling or underground working be concerned, such as sinking of shafts, opening of drifts and cross cuts."

7. Section 64 of the said act is amended:

R. S., c. 80,

a. By replacing the words: "Every inspector of a mining division appointed under sections 113 to 120", in the first and second lines thereof, by the words: "The Minister"

s. 64, am.

b. By replacing the words: "the Minister may deem useful", in the sixth line thereof, by the words: "may be deemed useful".

8. Section 65 of the said act is amended by striking out the words: "to the inspector", in the third line thereof.

Id., s. 65, am.

9. Section 68 of the said act is amended by adding thereto, at the end of the second paragraph thereof, the words: "The license may moreover be cancelled by the Minister after a notice of thirty days, if the holder omits to pay, at the beginning of each year, the rental of twenty-five cents per acre provided for in paragraph 5 of section 66."

Id., s. 68, am.
Cancellation.

10. Section 91 of the said act, as amended by the act 16 George V, chapter 27, section 16, is again amended by adding thereto, after the word: "also", in the first line of the first paragraph thereof, the words: ", by following the above procedure, or".

R. S., c. 80, s. 91, am.

11. The said act is amended by inserting therein, after section 101b thereof, as enacted by the act 16 George V, chapter 27, section 17, and as amended by the act 20 George V, chapter 41, section 22, the following section:

Id., s. 101c, added.

"**101c.** Every person, firm or company operating any mining land whatsoever, or any concentrator, smelter or refinery for treating, smelting or refining ores, minerals, or mineral substances, must have the Minister approve the place or location where the rubbish, liquid or solid tailings and residues from such operations are to be thrown or deposited. He or it must, for such purpose, deliver a plan of his or its property to the Minister, showing the topography of the ground, and the place or location where the rubbish, tailings and residues are to be thrown or deposited."

Approval of certain location by Minister.

If the Minister deems that the place or location designated by the operator may be the proximate or remote cause of any damage to the occupants of properties in the surrounding district, he may compel the operator to choose another place or location to throw or deposit the rubbish, tailings and residues, or require from the operator the performance of certain works which the Minister may deem expedient or necessary to avoid any damage.

If location deemed unsuitable.

Damages from previous deposits.

Failure to comply with decision.

He may even require the execution of such works to prevent damages resulting from the rubbish or tailings previously deposited on the property of the operator.

If the operator refuses or neglects to comply with the Minister's decision, after being put in default, the latter shall have the right to compel him to interrupt his mining operations, and to have the work ordered by him done, at the delinquent's expense."

R. S., c. 80, s. 105, replaced.

Construction of tramways, etc.

12. Section 105 of the said act is replaced by the following:

"**105.** The operator of any mine may construct a tramway or a gravel or macadamized road from such mine to the nearest navigable waters or railway, provided that he previously submit to the Minister a plan drawn up by a land surveyor who is a member of the Corporation of Land Surveyors and Geometers of the Province of Quebec indicating the land required, and a plan indicating the course of the tramway or road to be built, with a description of the work to be done, drawn up by an engineer who is a member of the Corporation of Professional Engineers of Quebec, and obtain authorization from the Lieutenant-Governor in Council to effect such construction."

R. S., c. 80, s. 106, am.

13. Section 106 of the said act is amended:

a. By replacing the word: "owner", in the first line thereof, by the word: "operator".

b. By striking out the words: ", provided the said gravel or macadamized road or tramway be not more than twenty miles in length", in the fourth, fifth and sixth lines thereof.

Id., s. 111, replaced.

Consent of Lt.-Gov. in C.

14. Section 111 of the said act is replaced by the following:

"**111.** No beach lot, or land covered with water, or other public property, shall be taken or occupied under this division unless a plan, drawn up by a land surveyor who is a member of the Corporation of Land Surveyors and Geometers of the Province of Quebec, shall have been submitted to the Department of Lands and Forests and been approved by the Lieutenant-Governor in Council upon such conditions as he deems expedient to impose."

R. S., c. 80, s. 150, am.

15. Section 150 of the said act is amended by adding thereto, after the second paragraph thereof, the following paragraph:

Penalties.

"Any infringement of such regulations, after their coming into force, shall render the operator liable to the penalties provided in section 142 of this act."

16. Section 151 of the said act, as amended by the act R. S., c. 80, 16 George V, chapter 27, section 20, is again amended by ^{s. 151, am.} replacing the word: "owner", in the second line of the second paragraph thereof, by the word: "operator".

17. Section 180 of the said act is amended by replacing ^{Id., s. 180,} the words: "provided that no mining property, even if on ^{am.} the surface, shall", in the fifth and sixth lines thereof, by the words: "but no such mining property, even if on the surface, may, however,".

18. Section 182 of the said act, as amended by the act ^{Id., s. 182,} 21 George V, chapter 45, section 5, is again amended by ^{am.} adding thereto, after the word: "naphtha", in the second line of the second paragraph thereof, the words: ", as well as to gold placers".

19. This act shall come into force on the day of its ^{Coming into} sanction. ^{force.}

