



CHAPTER 42

An Act to amend the Quebec Mining Act

[Assented to, the 19th of February, 1932]

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, and 20 George V, chapter 41, section 3, is again amended: R. S., c. 80, s. 3, am.

a. By replacing the words: "for mortar and concrete, on the beaches and in deep water", in the fifth and sixth lines of paragraph 2 thereof, by the words: "and gravel used for mortar and concrete, road making or road repairing, embankments or any other building purpose generally";

b. By striking out the words: "sand and gravel for building purposes," in the eighth and ninth lines of the said paragraph 2 thereof;

c. By striking out of the words: "sand, gravel," in the fourth line of paragraph 12 thereof.

2. Section 4 of the said act, as amended by the act 16 George V, chapter 27, section 2, is again amended by inserting therein, after the figure: "3", in the third line of subsection 2 thereof, the words: ", as well as that of sand and gravel for building purposes". Id., s. 4, am.

3. The said act is amended by adding thereto, after section 112 thereof, the following subdivision and sections: Id., ss. 112a-section 112 thereof, the following subdivision and sections: 112h, added.

"§ 5.—*Mining Roads*

"**112a.** To facilitate the exploration and operation of mines, the Minister, after approval of the plan by the Lieutenant-Governor in Council, may trace, open, build, improve, Tracing, etc., of roads, etc.

prove and maintain in the manner deemed suitable by him, partly or altogether at the cost of the Province, roads, bridges or other works which he deems necessary for such purposes:

On public lands. *a.* On all public lands including those under timber-cutting license or under mining license or acquired as mining concessions, without having to pay any compensation;

On other lands. *b.* On any other land, whoever may be the proprietor or occupant thereof, subject, however, to previously acquiring such land, by mutual agreement or by expropriation.

Transmission of plan. “**112b.** The Minister shall transmit a plan of the proposed line of such roads on public lands under timber-cutting license to the Minister of Lands and Forests and shall give notice thereof to the timber limit holder.

“Mining road”. “**112c.** Every road so traced, opened, built, improved or maintained shall be designated under the name of “mining road”.

Acquisitions by Govt. “**112d.** For the purposes contemplated under section 112*a* the Government of the Province may acquire, through the Minister, by mutual agreement or by expropriation:

1. The land or portions of land referred to in sub-paragraph *b* of section 112*a*, necessary for such purposes;

2. Land containing the sand, gravel or stone necessary for such purposes;

3. Temporary rights of way over the land situated between the mining road and the neighbouring rivers or streams or the places whence the sand, stone or gravel is taken.

Powers of Minister. “**112e.** The Minister is fully empowered and authorized to take from the course and in the vicinity of mining roads, the timber, stone, earth, gravel and sand, necessary for their construction, repair and maintenance, and to cut down all trees within a distance of thirty feet from each side of the mining roads or the bridges connecting the said roads, without being forced to pay any compensation, subject, however, to the provisions, contained in the following paragraph.

Prior acquisition in certain case. When the right provided by this section is exercised on lands other than those contemplated by sub-paragraph *a* of section 112*a*, there must be prior acquisition by the Minister, by mutual agreement or by expropriation, according to the following provisions.

No timber shall be thus removed from public lands under timber-cutting license, outside of the right of way and the

clearing approved of for mining roads, without authority first given by the Minister of Lands and Forests fixing the quantity of timber to be removed.

“**112f.** The provisions of section 107 of the Roads' Act Provisions (Chap. 91), as amended by the act 19 George V, chapter 32, applicable. section 4, and of sections 113a, 113b, 113c and 113d of the said act, as enacted by the act 21 George V, chapter 52, section 2, shall apply, *mutatis mutandis*, to the acquisition of lands, of portions of lands and of other rights and to the settlement of compensation, contemplated by this subdivision 5. The words “Minister of Roads” and “Department of Roads”, however, wherever they occur in the said sections, shall designate, for the purposes of this subdivision 5, the “Minister of Mines” and the “Mining Branch”.

“**112g.** The municipalities may regulate, by *procès-verbal*, or by by-law, any road or bridge built, in virtue of this subdivision 5, wholly or in part within the boundaries of their territory by the Government, but they shall not order the closing thereof without the authorization of the Minister. Regulation of roads, etc.

“**112h.** The monies required for the carrying out of the provisions of this subdivision 5 shall be taken out of the amount voted each year for mines by the Legislature.” Monies required.

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

