



## CHAPTER 23

An Act to amend the Lands and Forests Act respecting transfers of lots, exportation of timber and certain road work, and to amend the Water-Course Act

[Assented to, the 24th of March, 1926]

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

**1.** Section 28 of the Lands and Forests Act (Revised R. S., c. 44, Statutes, 1925, chapter 44) is amended by replacing the <sup>s. 28, am.</sup> first paragraph thereof by the following:

“**28.** To effect the transfer of lots classified as suitable <sup>Transfer of lots suitable for cultivation.</sup> for cultivation, it shall be sufficient for the Minister of Lands and Forests to send a notice to the Minister of Colonization, Mines and Fisheries, placing the said lots at the disposal and under the control of the latter. Whenever the Minister of Colonization, Mines and Fisheries requires <sup>Return of lots.</sup> to return lots, which have been placed under his jurisdiction, for the disposal and control of the Minister of Lands and Forests, the transfer can only be made by an order of the Lieutenant-Governor in Council, upon a report of the Minister of Colonization, Mines and Fisheries.”

**2.** The said act is amended by inserting therein, after <sup>R. S., c. 44, ss. 104a and 104b, added.</sup> section 104 thereof, the following sections:

“**104a.** Whenever anyone executes road work of any <sup>Use of road work in timber limits.</sup> kind, necessary to facilitate either the hauling of timber or transportation of provisions, men or equipment, through his timber limits, he does not thereby acquire an exclusive right to use same. Any other person is entitled to use such work for hauling timber or transporting provisions, men or equipment, provided that he causes no needless damage

- Payment of indemnity. and provided, furthermore, that he pay the indemnity fixed as a toll to the person who executed such work or improvements and that he comply with the regulations in force. At the request of the owner or of any other person interested and after inspection of the work or improvements by a forest engineer or by any other competent person, and upon a report of the Minister of Lands and Forests, the Lieutenant-Governor in Council may enact regulations respecting the tariff of tolls, the vehicles, equipment and traffic. The tariff shall be fixed according to the value of the work or improvements, the amount required for their upkeep and any other consideration found just and equitable. Before making use of any such road upon which no toll has been fixed, the party wishing to make use thereof must give sixty days written notice of this said intention to the owner of the limit on which the road is built.
- Regulations as to tolls, etc. Notice of intention to use road. Notice of inspection. Costs. Rates. Ordering of investigation. Penalty for illegal exportation of timber cut on Crown lands.
- Notice of such inspection shall be given at least fifteen days before it is begun, in the *Quebec Official Gazette* as well as in one or two newspapers published in the district, and, if no newspapers are published in the district, in one or two newspapers published in the neighbouring district.
- All costs incurred in fixing the rates of tolls shall be upon the person who applied for same.
- The rates so fixed may be changed and shall remain in force until they are replaced or repealed.
- In order to establish the nature, value or cost of the road work intended to facilitate the hauling of timber or the transportation of provisions, men or equipment, or in order to establish an adequate tariff of tolls, the Minister of Lands and Forests may order an investigation to be made by any court, person, commission or corporation which he designates, and which shall report to him.
- "104b.** Every person who exports timber cut upon Crown lands contrary to law or the regulations shall be liable to a fine of ten dollars per cord of one hundred and twenty-eight cubic feet of wood exported and, failing payment of the fine and costs, to an imprisonment of not less than thirty days and not more than one year."
- R. S., c. 46, s. 17, am. **3.** Section 17 of the Water-Course Act (Revised Statutes, 1925, chapter 46) is amended by adding thereto, after paragraph 2 thereof, the following paragraph:
- Expropriation of certain immoveables. **"3.** Immoveable properties or any part thereof necessary for the establishment therein and use, pending the duration of the construction work mentioned in paragraph 1 of this section, of branch lines connecting with a railway line."
- R. S., c. 46, s. 23, am. **4.** Section 23 of the said act is amended by adding

thereto, after the words: "Act (Chap. 230)", in the fourth and fifth lines thereof, the words: "except that the sole arbitrator shall be the Quebec Public Service Commission."

**5.** Section 24 of the said act is amended by adding R. S., c. 46,  
s. 24, am. thereto the following paragraph:

"In the case provided for by paragraph 3 of section 17, Indemnity. the indemnity shall include a fixed annual sum payable in advance each year up to and including the year in which the works are completed and, in addition, a sum representing the damages caused by the changed state of the place, payable, after the completion of the works, within a delay fixed by the arbitrator, unless the party benefitting from the servitude shall have restored the place to its original state before the expiry of such delay."

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

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