

C H A P. 27

An Act to amend the Revised Statutes, 1909, respecting public lands and woods and forests

[Assented to, the 15th of March, 1924]

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

R. S., 1520, am. **1.** Article 1520 of the Revised Statutes, 1909, as amended by the acts 8 George V, chapter 30, section 1, and 11 George V, chapter 33, section 1, is again amended by adding thereto the following paragraph:

Fire protection. "6. He has the management and control of fire protection in all lands belonging to the Crown, as well as in all woods and forests placed under his jurisdiction."

R. S., 1554a, replaced. **2.** Article 1554a of the Revised Statutes, 1909, as enacted by the act 11 George V, chapter 33, section 6, is replaced by the following article:

Lands at disposal of Minister of Col., Mines and Fisheries. "**1554a.** Lands placed in the classification as land suitable for cultivation may be put by the Lieutenant-Governor in Council at the disposal and under the control and administration of the Minister of Colonization, Mines and Fisheries, who alone shall be authorized to convey the same for colonization purposes.

Exclusion from license to cut timber. The lands which have been placed under the control and administration of the Minister of Colonization, Mines and Fisheries shall be excluded, sixteen months after the date of the location ticket, from any license to cut timber.

Preference given to owner of location ticket. The timber limit holder shall give to the owner of the location ticket, during the whole time that the rights of the timber limit holder exist in respect of the lot, the preference to cut the merchantable timber on such lot for him, at the price which such timber limit holder is paying for similar work in the locality.

Prohibition to cut in certain area. Reserving the right of passage provided for under article 1627, no timber limit holder may cut any timber at the place determined before or at the time of the issue of the location ticket by an employee of the Department of Colonization, Mines and Fisheries, where the house of the settler is to be built and where his clearings are to be made, covering an area of eight acres, and if the timber limit holder violates this provision he shall, in addition to the ordinary stumpage dues, pay to the Department of Colo-

Penalty.

nization, Mines and Fisheries a fine of four dollars for each tree so cut.

No timber limit holder may sell, cede or transfer the right to cut timber upon the remainder of the lot so sold, and he shall effect the cutting of the timber according to the regulations of the Department of Lands and Forests; upon his failure so to do, he shall be liable to a fine of four dollars for each tree so cut illegally, in addition to the ordinary stumpage dues.

Prohibition to sell, etc., right to cut on remainder of lot.

Penalty.

Land under location ticket shall be administered and definitively conveyed by the Minister of Colonization, Mines and Fisheries, and, in case of cancellation, such land shall not be subject to any license to cut timber unless it be declared unsuitable for cultivation, and, in such case, it shall again become subject to the license to cut timber from which it had been excepted."

Administration and conveyance of land under location ticket.

3. Article 1628 of the Revised Statutes, 1909, is replaced by the following:

R. S., 1628, replaced.

"**1628.** The Lieutenant-Governor in Council may, upon the recommendation of the Minister, set aside certain tracts of the lands of the Crown to constitute permanent forest reserves, provided that they have been duly classified as lands for forest industries, either because they are unfit for cultivation or because their maintenance in a wooded state is necessary to regulate the flow of waters or for any other reason of public interest.

Permanent forest reserves.

The description of all tracts of land forming each permanent forest reserve shall be published in the *Quebec Official Gazette*, and there shall be published in the same manner all changes in their description and all regulations put in force from time to time for their management and administration.

Description, etc., in *Official Gazette*.

The Lieutenant-Governor in Council may make regulations respecting the inventory and management of such permanent forest reserves, in whole or in part."

Regulations respecting inventory, etc.

4. Articles 1630 and 1631 of the Revised Statutes, 1909, are replaced by the following:

R. S., 1630, 1631, replaced.

"**1630.** When the right to cut timber on lands in permanent forest reserves has not yet been leased by way of public auction, the Minister may grant such lands, in whole or in part, according to the ordinary way of leasing timber lands."

Leasing of right to cut timber.

5. Article 1633 of the Revised Statutes, 1909, as enacted by the act 11 George V, chapter 33, section 11, is amended by striking out the last three paragraphs thereof.

R. S., 1633, am.

R. S., 1636*a*, added. **6.** The following article is inserted in the Revised Statutes, 1909, after article 1636:

Acquisition of certain lands and rights by Lt-Gov. in C. in certain cases.

“1636*a*. Whenever it is shown to the satisfaction of the Lieutenant-Governor in Council that lands originally sold or otherwise granted for settlement and still unpatented are required for purposes of industrial development, or that it is necessary, for such purposes, to establish servitudes or other rights thereon, he may authorize or ratify the acquisition of such lands or of such rights thereon from the holders of the location tickets, and, after such acquisition, authorize the issue of letters patent or other titles for such lands or such rights, notwithstanding the terms of the original sales or grants and of the laws applying thereto.”

R. S., 1641*b*, replaced. **7.** Article 1641*b* of the Revised Statutes, 1909, as enacted by the act 9 George V, chapter 26, section 1, is replaced by the following:

Prevention, etc., of forest fires by limit-holders.

“1641*b*. 1. Every timber limit holder shall, under the administration and control of the Minister, and either directly or through an association for protection against forest fires recognized by the Minister, remain charged with the prevention and suppression of forest fires within his timber limit, provided that he or the association for him shall supply, as required by the Minister, a satisfactory plan of the organization and the means of execution to be adopted for such purposes.

Proviso.

Protective method by Minister.

2. If a satisfactory plan, as required by the Minister, is not furnished, or if such plan, when approved, is not faithfully carried out, the Minister may then establish such protective method as he may deem advisable, at the cost of the limit-holder or association in default.

Cost.

Duty of proprietor, etc.

3. The same duty, with the same consequences, shall be incumbent upon any person interested as a proprietor or as a holder of rights to cut timber in private forests of two thousand acres in area, should the Minister deem it necessary.”

R. S., 1641*c*, replaced. **8.** Article 1641*c* of the Revised Statutes, 1909, as enacted by the act 9 George V, chapter 26, section 1, is replaced by the following:

Returns.

“1641*c*. Every timber limit holder, charged with the prevention and suppression of forest fires, shall, from the first of April to the first of November in each year, make, between the first and fifteenth of each month, all the returns required by the Minister respecting his system of protection against forest fires.”

9. Article 1641*d* of the Revised Statutes, 1909, as R.S., 1641*d*, enacted by the act 9 George V, chapter 26, section 1, is replaced, replaced by the following:

“1641*d*. 1. The cost of the system for the prevention Cost of fire prevention. of forest fires, whether effected directly or through an association, is to be borne entirely by the timber limit holder for his timber limit, and by the proprietor for the lands and timber cutting rights belonging to him.

2. Fifty per centum of the actual costs, incurred by such Cost of fire extinguishing. proprietor or such lessee of timber cutting rights or such timber limit holder to extinguish a forest fire devastating his property or limit, shall be reimbursed to him by the Reimbursement of certain proportion. Minister upon the production of vouchers and in accordance with the scale of salaries authorized from time to time by the Minister.

3. If it is established to the Minister's satisfaction that Additional reimbursement when fire originated outside. a fire originated outside of a territory leased or patrolled by an association, the Minister may reimburse such additional proportion of the actual costs so incurred as he may himself determine according to the circumstances.

4. No reimbursement shall, however, be made by the No reimbursement in certain cases. Minister if it is shown that the person liable for the fire protection was responsible for the fire, or was guilty of grave negligence in failing to strenuously combat its progress, or if any of his regular employees was responsible for the fire and is unable to prove that he could not prevent the act which caused it.”

10. Article 1641*e* of the Revised Statutes, 1909, as R. S., 1641*e*, enacted by the act 9 George V, chapter 26, section 1, is replaced, replaced by the following:

“1641*e*. The Minister may authorize timber limit Protective associations. holders and proprietors to form themselves into associations for protection against forest fires in order to work in common for the protection of the territories leased or belonging to them.

Such associations shall, for the protection of such Obligations. territories from fire, be bound to do all that the law and the regulations of the Department of Lands and Forests require from the proprietors and timber limit holders.

The plan produced by an association for Plan. protection against forest fires shall be sufficient if it includes all the timber limits leased to, or lands belonging to, each member of such association.

The Minister may assist such association to recover its Assistance by Minister. claim against a member for services respecting protection

against forest fires by deferring the renewal or the transfer of timber cutting licenses granted to such indebted member.”

R. S., 1641*f*, replaced. **11.** Article 1641*f* of the Revised Statutes, 1909, as enacted by the act 10 George V, chapter 24, section 10, and replaced by the act 12 George V, chapter 36, section 8, is again replaced by the following:

Entry, etc., by Minister. **“1641*f*.** The Minister is empowered, whenever, in his opinion, a fire on private land threatens to become a calamity or to extend to Crown lands, to enter upon such land and to use all measures deemed necessary to extinguish the fire.

Claim by Minister. The Minister may claim from the proprietor or occupant of such private land a portion of the expenses incurred in suppressing such fire equal to the difference between what the proprietor disbursed and what a prudent administrator would have spent in similar circumstances.”

R. S., 1641*g*, added. **12.** The following article is inserted in the Revised Statutes, 1909, after article 1641*f*, as replaced by this act:

Payment of dues for fire protection. **“1641*g*.** The Lieutenant-Governor in Council may, each year, fix the sum per unit of area to be paid by proprietors or timber limit holders, the protection of whose lands from fire is effected by the Minister. Such dues shall be payable in the manner stated in the order-in-council and shall constitute a privileged claim upon the property protected, ranking after law costs. The recovery of such dues may be effected, in case of non-payment, by means of an ordinary suit before the courts of the Province.”

Privilege

Recovery.

R. S., 1655*a*, replaced. **13.** Article 1655*a* of the Revised Statutes, 1909, as enacted by the act 6 George V, chapter 18, section 5, is replaced by the following:

Summoning of assistance. **“1655*a*.** Any person charged with the duty of protecting the forests against fire may summon any male person of the age of at least eighteen years and at most fifty-five years to assist in extinguishing any forest fire. Such assistant is entitled to payment for his work, at the rate fixed from time to time by the Minister, and such payment shall be made according to the arrangements to that effect, entered into between the Minister and those authorized to look after the protection of the forests against fires.”

Payment.

R. S., 1667, enacted. **14.** The following article is inserted in the Revised Statutes, 1909, after article 1666, as enacted by the act 12 George V, chapter 36, section 18:

"**1667.** In the forests constituted into permanent forest reserves, no clearance, no clean cutting, no extraordinary cutting whatever, and no sale of timber involving an operation beyond the figure for ordinary cuttings provided by the plan of management, may be made, without a special authorization from the Minister.

To obtain authorization to lumber windfalls and trees killed as a result of fires or epidemics of insects or of cryptogamic disease, the timber limit holder must apply to the Minister and produce a plan showing the extent of forest so damaged."

Clearance, etc., in forest reserves.

Special authorization.

Authorization to lumber windfalls, etc.

Plan of damaged forest.

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

Coming into force.

CHAP. 28

An Act to amend the Revised Statutes, 1909, respecting the sale of certain public lands

Assented to, the 15th of February, 1924]

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

1. The Revised Statutes, 1909, are amended by inserting therein, after article 1552, as amended by the act of 11 George V, chapter 33, section 5, the following:

R. S., 1552a, added.

"**1552a.** Every sale or grant of public land adjacent to the boundary line between Canada and the United States of America, or to the interprovincial boundaries between the Province of Quebec and the Provinces of Ontario and New Brunswick, entered into or made after the fifteenth day of February, 1924, carries with it, as of right, in favour of the Crown, the reservation of ownership in that part of such land lying within sixty feet of any such boundary line, and, in addition, the prohibition of erecting or executing on such part of land any buildings or works whatever, saving the exception hereinafter.

Reservation of ownership in favour of Crown.

The provisions of the preceding paragraph shall not apply in the case of a sale or grant for the purposes of the construction of railways, aqueducts, bridges, canals, ditches and other works of a public character, nor to the works and the erection of the buildings necessary for their operation."

Provisions not applicable.

2. Article 2090l of the Revised Statutes, 1909, as enacted

R. S., 2090l, am.