

C H A P. 36

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

[Assented to, the 21st of March, 1922]

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

R. S., 1580*a*, enacted. **1.** The following article is inserted in the Revised Statutes, 1909, after article 1580 thereof:

Unlawful possession of public domain. **"1580*a*.** Every person who, without authorization, either himself or through any other person, takes possession of and occupies any part of the public domain, shall be liable to a penalty of not less than one dollar nor more than one thousand dollars per day during which he is or has been wrongfully in possession of such public lands.

Penalty. Such penalty shall be recoverable, with costs, on action by the Crown before any court of competent civil jurisdiction, and the court, in fixing the amount of the penalty, must take into consideration the importance of the public land so occupied without right."

How recoverable.

R. S., 1597*a*, enacted. **2.** The following article is inserted in the Revised Statutes, 1909, after article 1597:

Extraordinary operations in forests of Crown must be authorized. **"1597*a*.** In all forests belonging to the Crown, no clean cutting and no operations constituting an exception to the regulations in force may be carried on without a special authorization from the Lieutenant-Governor in Council.

How authorization obtained. The license-holder who wishes to obtain such authorization shall make application therefor to the Minister of Lands and Forests, and shall, at the same time, produce a working plan based on a proper inventory and made according to the instructions of the Department of Lands and Forests.

Authorization to do extraordinary cutting in certain cases. The license-holder who wishes to obtain authorization to do extraordinary cutting in his forests on account of windfalls, fire, epidemics of insects or cryptogamic diseases, shall apply therefor to the Minister of Lands and Forests and produce a plan showing the extent of forest so damaged."

R. S., 1600*a*, enacted. **3.** The following article is inserted in the Revised Statutes, 1909, after article 1600:

"1600a. Each registrar shall inform the Department of Lands and Forests, within a delay of one month, of all transactions registered in his office, affecting timber limits licensed by the Crown."

Registra-
tions
affecting
timber
limits
licensed.

4. Article 1605 of the Revised Statutes, 1909, is amended by adding, after the word: "accordingly", at the end thereof, the following words: "Such person shall incur, for each day's delay in furnishing such statement, a fine of ten dollars, in addition to the penalties provided by the law and the regulations."

R. S., 1605,
am.

5. The following article is inserted in the Revised Statutes, 1909, after article 1610:

R. S., 1610a,
enacted.

"1610a. No person shall establish a sawmill on Crown lands and less than a mile from any timber limit, without the written authorization of the Department of Lands and Forests, and every person, when so authorized, shall comply with the regulations of the Department respecting the manner of disposing of the waste from the sawmill, the piling of the products, and respecting all other matters relating to the protection of forests against fire. Every infringement shall render the offender liable to a fine of ten dollars for each day he is in default to comply with the said provisions. In addition to the fine, the judge may order the demolition of the sawmill within a delay of one month from the date of rendering judgment."

Sawmill on
Crown
lands, etc.

Penalty.

Demolition
of sawmill.

6. Article 1611 of the Revised Statutes, 1909, is amended by replacing the second paragraph thereof by the following:

R. S., 1611,
am.

"In addition to the loss of his labor and disbursements, he shall incur the confiscation of his timber and become liable to a fine of three dollars for each tree, which he has been found guilty of having cut or caused to be cut, or of having carried away or caused to be carried away without authorization."

Penalty.

7. The following articles are inserted in the Revised Statutes, 1909, after article 1637:

R. S., 1637a,
1637b,
enacted.

"1637a. Every person who does not take the necessary measures to prevent a fire burning on his land from spreading to neighbouring lands shall commit an offence against this subsection, and shall be liable to a fine of from twenty-five to two hundred dollars for each offence."

Failure to
take meas-
ures to
prevent
spreading of
fire, an
offence.

"1637b. The owner or occupant of any land on which a fire is lighted, or originates, shall be deemed to be the per-

Presump-
tion as to

setting of fire. son responsible for setting such fire, and shall incur the penalties provided for such offence, unless he is able to prove, to the satisfaction of the court, that such fire was not lighted by himself, nor by anyone in his employ or under his direction."

Penalties.

Burden of proof.

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

Removal of debris, etc., on land adjoining railway or public road. **"1641f.** The owner of any land adjoining a railway or public road, when thereunto required by the Minister of Lands and Forests, is bound to have the forest debris, accumulated or left on the ground, removed over a distance of one hundred feet on each side of the railway lands or of the public road."

R. S., 1642, am. **9.** Article 1642 of the Revised Statutes, 1909, is amended:

a. By inserting therein, after the word: "engines", in the first line thereof, the words: "and all other machines operated by steam";

b. By replacing the words: "the same", in the second and third lines, by the words: "such locomotives and such other machines operated by steam";

c. By adding thereto after the word: "engines", in the fifth line thereof, the words: "or other machines operated by steam."

R. S., 1642a, enacted. **10.** The following article is inserted in the Revised Statutes, 1909, after article 1642:

Certain establishments to be equipped with certain apparatus. **"1642a.** Every establishment located in a forest or at a distance of less than one mile therefrom, shall be provided with the most improved and efficient apparatus for preventing the escape of fire and sparks, under penalty, for the owner of such establishment, of a fine of ten dollars per day, counting from the date when he was notified by the Minister of Lands and Forests to comply with the provisions of this article."

Penalty.

R. S., 1643, am. **11.** Article 1643 of the Revised Statutes, 1909, is amended:

a. By inserting therein, after the word: "engine", in the second line thereof, the words: "or other machine operated by steam";

b. By inserting therein, after the word: "engine", in the fifth line thereof, the words: "or machine."

12. Article 1644 of the Revised Statutes, 1909, is R. S., 1644, amended by inserting therein, after the word: "engine", in ^{am.} the second line thereof, the words: "or other machine operated by steam".

13. Article 1645 of the Revised Statutes, 1909, is R. S., 1645, amended: ^{am.}

a. By inserting therein, after the word: "locomotives", in the fifth line thereof, the words: "or other machines operated by steam";

b. By inserting therein, after the word: "locomotive", in the second line of the second paragraph thereof, the words: "or other machine operated by steam".

14. The following article is inserted in the Revised R. S., 1645a, Statutes, 1909, after article 1645: ^{enacted.}

"1645a. Every person or company, depositing wood in the neighbourhood or along the property of a railway, shall comply with the instructions and regulations of the Department of Lands and Forests with respect to fires, as regards the cleaning up of the ground, removal of bark, chips, shavings, logs and all other inflammable matter left on the ground for a maximum distance of three hundred feet from the railway track."
^{Removal of inflammable matter by persons depositing wood near railway.}

15. The following article is inserted in the Revised R. S., 1647a, Statutes, 1909, after article 1647: ^{enacted.}

"1647a. The Lieutenant-Governor in Council may, whenever he deems it necessary for the protection of the forests in territory declared to be "fire-districts", require that everyone wishing to enter and travel about in such forests between the 1st of April and the 15th of November, shall previously obtain a permit.
^{Travel permit.}

Such permit, called "travel permit", may be obtained, gratuitously, from the fire-ranger of the place or from any other authorized person.
^{How obtained.}

The holders of a hunting or fishing license or mining prospectors shall be exempt from such formality, but they shall be bound, when so required by any fire-ranger, to show him their license, and to inform him about their goings and comings.
^{Certain licensees and mining prospectors exempt.}

The Minister may, with the authorization of the Lieutenant-Governor in Council, when the weather conditions require it, designate the camping-places and exact all other measures calculated to decrease the danger of fire.
^{Designation of camping-places, etc.}

Every person violating these provisions shall be liable to a fine of ten dollars or imprisonment for a term of not less than ten nor more than thirty days for the first offence,
^{Penalties.}

and of one hundred dollars or imprisonment for one month for a subsequent offence."

R. S., 1654a, enacted. **16.** The following article is inserted in the Revised Statutes, 1909, after article 1654:

Regulations by Lt.-Gov. in C. **"1654a.** The Lieutenant-Governor in Council may make all regulations necessary to give effect to the provisions of this subsection."

R. S., 1655d, enacted. **17.** The following article is inserted in the Revised Statutes, 1909, after article 1655c, as enacted by the act 5 George V, chapter 18, section 5:

Right of passage. **"1655d.** Every person duly employed for the protection of the forests against fire, may, in the exercise of his duties, enter and pass over any land. Whosoever hinders any employee of the forest fire protection service in the performance of his duties shall be liable to the penalties provided by article 1656."

Penalty for hindrance.

R. S., 1660 to 1669, replaced. **18.** Subsection sixth of section fifth of chapter sixth of title fourth of the Revised Statutes, 1909, comprising articles 1660 to 1669 of the said statutes, is replaced by the following:

"§ 6.—Reforestation and deforestation

Reward for tree planting. **"1660.** Whosoever plants a thousand trees to the acre on land unfit for cultivation, belonging to him, may take advantage of the reward which the Lieutenant-Governor in Council may be pleased to fix, provided that the plantation has been kept in good order for at least five years.

Regulations by Lt.-Gov. in C. **"1661.** The Lieutenant-Governor in Council may, from time to time, make regulations respecting:

1. The encouragement to be given by way of reward in money or in grants of lands for the work of tree-planting;
2. The number of years for which the plantations so rewarded shall be preserved before the final cutting;
3. The conditions which the persons claiming such rewards must fulfill;
4. The municipal valuation of reforested lands and plantations for which a reward has been given.

Valuation of lands replanted in trees. **"1662.** So long as at least three hundred trees to the acre are kept, lands replanted in trees shall retain, for a period of thirty years, the valuation which they had before the planting; at the expiration of such period of thirty years, the municipal valuation of such plantations, prov-

ided they remain as wooded land, can only be changed every ten years.

"1663. The Lieutenant-Governor in Council may, by proclamation, designate one or more days for the official planting of trees. Such days shall be known as "Arbor Days".

"1664. The Lieutenant-Governor in Council may determine regulations for associations organized for the encouragement and promoting of tree planting.

"1665. All lands reforested and receiving a reward shall be subject to forest laws.

"1666. The Lieutenant-Governor in Council may authorize public bodies and municipalities to acquire lands to form private or municipal forests, and to have the work of tree planting done therein, provided that the properties so acquired and improved be divided into coppices so as to secure their preservation."

19. The following article is inserted in the Revised Statutes, 1909, after article 1728:

"1728a. An officer of the Department of Lands and Forests may be added to the board of examiners as secretary."

20. Article 1731 of the Revised Statutes, 1909, is replaced by the following:

"1731. The Lieutenant-Governor in Council shall fix the fees to be paid, for their services, to the members and the secretary of the board of examiners. He shall sanction regulations defining the method and programme of the examinations, as well as the other qualifications required of candidates, for licenses as cullers and measurers of timber."

21. Article 1732 of the Revised Statutes, 1909, is replaced by the following:

"1732. The board of examiners shall, for the purpose of holding examinations, sit at such places and dates as may be fixed by the Minister of Lands and Forests, and mentioned in the *Quebec Official Gazette*.

Candidates shall present themselves before the board on the days fixed and pay the sum of six dollars as an examination fee.

Within thirty days from the close of the examination, the board shall transmit to the Minister of Lands and Forests the names of such as they believe are trustworthy

"Arbor Days."

Regulations for certain associations.

Lands subject to forest laws.

Private or municipal forests by public bodies. Proviso.

R. S., 1728a, enacted.

Secretary of board of examiners.

R. S., 1731, replaced.

Fees of secretary and members of board. Regulations defining examinations, etc.

R. S., 1732, replaced.

Places and dates of examinations, how determined.

Examination fee.

Transmission by board of names of

those who have qualified. and of good character, who have passed a satisfactory examination and are recommended as being qualified to perform the duties of culler."

Coming into force. **22.** This act shall come into force on the day of its sanction.

CHAP. 37

An Act respecting lands set apart for Indians

[Assented to, 21st of March, 1922]

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

1. The Lieutenant-Governor in Council may reserve and set apart, for the benefit of the various Indian tribes of this Province, the usufruct of public lands described, surveyed and classified for such purpose by the Minister of Lands and Forests.

Superficies. The extent of such public lands shall not exceed, in all, three hundred and thirty thousand acres in superficieses.

Transfer. The usufruct of the lands described, surveyed and classified by the Minister of Lands and Forests shall be transferred, gratuitously and on the conditions he may determine, by the Lieutenant-Governor in Council to the Government of Canada to be administered by it in trust for the said Indian tribes.

Usufruct inalienable. Such usufruct shall be inalienable, in whole or in part, and the lands subjected thereto shall return to the Government of this Province, without any formality whatsoever, from and after the day when the Indians to whom they have been assigned in usufruct by the Government of Canada cease to occupy them as usufructuaries.

Mining rights excluded. Mining rights shall not be included in such concession, notwithstanding the absence of any mention to this effect.

Where territory under license. Nor shall any such reserve be granted or taken out of any territory under license to cut timber, unless the consent of the license-holder shall be first obtained.

Coming into force. **2.** This act shall come into force on the day of its sanction.