

C H A P . 69

An Act to amend the Revised Statutes, 1909, respecting the protection of the public interest in rivers, streams and creeks

[Assented to 9th February, 1918]

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

1. The following articles are inserted in the Revised Statutes, 1909, after article 7299 thereof, to wit: R. S., 7279a
et seq.,
enacted.

"7299a. 1. No work or improvement mentioned in article 7299 of which the construction, execution or maintenance necessitates the taking possession or occupation of public property or of that of a third person, or prejudicially affects either of such properties, or any rights, public or private, either by the backing up of the water or otherwise, may be constructed, executed or maintained unless the plan and specifications relating thereto have previously been approved by the Lieutenant-Governor in Council. Plan and specifications must be approved by Lt.-Gov. in C. in certain case.

2. If any such work is constructed without such approval, or if, after having been constructed, it is not kept up in accordance with the plan and specifications which have been so approved, the demolition of such work, and the restoration of such lands, either public or private, to their original condition or to a condition as nearly as possible approaching thereto, may be ordered, by any court of competent jurisdiction, upon an ordinary action instituted by the Crown or by any interested party, according as the land taken, occupied or affected is public or private property, without prejudice to any other recourse at law. On penalty of demolition.

3. Any corporation, partnership or person intending to execute or construct any work or improvement referred to in article 7299, must apply by petition to the Lieutenant-Governor in Council, and forward such petition to the Minister of Lands and Forests, with a plan, specifications and a memorandum shewing the nature of the work or improvement and the land or lands which will be affected. Application by petition.

4. If any part of the lands or rights taken, occupied or affected belongs to an individual, it shall likewise be obligatory to: In case of individual.

a. Deposit a duplicate or a copy of the plan and specifications mentioned in paragraph 3 of this article at the registry office of the registration division where it is Deposit of plan, &c.

intended to carry on the work, where they may be examined by any person during office hours; and

Notice.

b. Give a notice, in accordance with the form A, of the application and of the deposit of such plan and specifications, by advertisement published in one issue of the *Quebec official Gazette*, and also, in the locality where it is intended to carry on the work, in the manner in which municipal public notices are there published; provided that, if the work is to be carried on in a territory not yet organized, the notice in the *Quebec Official Gazette* shall be sufficient.

Approval by Lt.-Gov. in C.

5. The Lieutenant-Governor in Council may approve, purely and simply, any plan and specifications submitted for approval under this article, or may approve them subject to such modifications and conditions as he may deem useful or expedient, or may refuse to approve them.

Concession must be obtained in certain case.

6. If the construction and maintenance of any such work necessitates the taking possession or occupation of any public lands, or if such work must have the effect of flooding or otherwise prejudicially affecting such public lands or any other rights of the Province, it shall be necessary to obtain from the Lieutenant-Governor in Council, in advance, in addition to the approval referred to in this article, in consideration of an annual rental or other remuneration, a concession of the lands or the public rights which will be so taken, occupied or affected.

Tariff of fees.

7. The Lieutenant-Governor in Council may make, amend or repeal any tariff of fees that he may deem just, in regard to the approval of plans and specifications submitted under paragraph 3 of this article, and the examination and study found necessary.

Application of article.

8. This article shall not apply to any work or improvement of the same nature as those mentioned in this article, which has been executed or constructed before the 9th of February, 1918, nor to any work or improvement of a temporary nature, which it may become necessary to execute or construct during the actual operation of the floating and transmission of any timber, raft or craft.

Plan and specifications of existing works.

“7299b. 1. Every corporation, partnership or person owning, possessing, controlling or operating any work or improvement of the nature of those to which article 7299a applies, must, within fifteen months following the 9th of February, 1918, furnish to the Minister of Lands and Forests a plan and specifications shewing the locality or localities in which such work or improvement is situated, its nature, and approximately the area of land, and the rights, either public or private, affected by the backing

up of the water or otherwise, by reason of the existence of such work or improvement.

2. On failure of the person above-mentioned to furnish the said plan and specifications within the prescribed delay, the Minister of Lands and Forests may have the same prepared at the expense of such person.

Minister may have same prepared at expense of owner, &c.

3. Within a delay of two months after the receipt or the preparation of such plan and specifications by the Minister of Lands and Forests, the person owning, possessing, controlling or operating such work or improvement must obtain from the Lieutenant-Governor in Council, in consideration of an annual rental or other remuneration, a concession of the land or of the public rights which will be taken, occupied or affected.

Concession must be obtained.

On failure of the person obliged thereto to obtain such concession within the above delay, the Lieutenant-Governor in Council may fix the remuneration which such person shall be bound to pay.

Remuneration may be fixed by Lt.-Gov. in C.

Nevertheless the Lieutenant-Governor in Council may always, if he deems it expedient, notwithstanding the expiration of the delay of two months and the fixing of the remuneration mentioned in this paragraph 3, proceed to grant the concession of the said lands or public rights, as if the delay had not expired or the remuneration had not been fixed."

May be granted after expiry of delays.

2. Article 7300 of the Revised Statutes, 1909, as amended by the act 4 George V, chapter 56, section 1, is again amended:

R. S., 7300, am.

a. By replacing the words: "Minister of Public Works and Labour", in the sixteenth and seventeenth lines thereof, by the words: "Minister of Lands and Forests";

b. By replacing the words: "Minister of Public Works and Labour", in the first line of the last paragraph thereof, by the words: "Minister of Lands and Forests".

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

Coming into force.

FORM A.—(Article 7299a)

Public notice is hereby given in accordance with article 7299a of the Revised Statutes, 1909, that
of the _____ of _____
in the county of _____ intends
to execute the following work (*state here the nature of the work*), at (*designate the locality*).

Notice is also given that a petition to that effect, accom-

panied by a plan and specifications shewing the nature of the work or of the improvement (*as the case may be*), and the land which will be affected by such work, has been forwarded to the Minister of Lands and Forests, and that a duplicate of such plan and specifications has been deposited at the registry office of the registration division of

The application contained in the petition will be taken into consideration by the Lieutenant-Governor in Council on or after the tenth day following the date of the publication of this notice in the *Quebec Official Gazette*.

Petitioner.

CHAP. 70

An Act respecting reservoirs for the storing of the water of lakes, ponds, rivers and streams

[Assented to 9th February, 1918]

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

R. S., 7305e
et seq.,
enacted.

1. The following subsection and articles are inserted in the Revised Statutes, 1909, after article 7305d thereof, as enacted by the act 4 George V, chapter 56, section 4, to wit:

“§ 3.—*The construction and maintenance of reservoirs for the storage of the water of lakes, ponds, rivers and streams*

Allowed to
store waters
of lakes, &c.
for certain
purposes.

“**7305e.** Subject to the provisions of this subsection, of other special and general acts, and to any conditions the Lieutenant-Governor in Council may be pleased to determine, it shall be allowed to keep stored up, in all seasons, the waters of lakes, ponds, rivers and streams, with the object of conserving them so as to regulate their flow, either by their natural outlets or by a deviation therefrom, and thus to ensure a uniform supply to water-works systems and mills, and a constancy of hydraulic power, and, for that object, to construct and maintain dams, dikes, embankments and accessories, and other necessary or useful works.

Approval of
Lt.-Gov. in
C. for plan

“**7305f.** No work mentioned in article 7305e of which the construction or maintenance necessitates the taking