

## DOGWOOD, RHODODENDRON AND TRILLIUM PROTECTION ACT

### CHAPTER 96

#### Interpretation

**1.** In this Act

- “dogwood” means the shrub or tree, *Cornus nuttallii*, commonly known as western flowering dogwood;
- “owner” includes a lessee and a person holding land under pre-emption record from the Crown or under agreement to purchase;
- “public work” means any work or act authorized to be constructed or undertaken by or under any Act of the Province;
- “rhododendron” means the evergreen shrub, *Rhododendron macrophyllum*, known as rhododendron;
- “trillium” means the plant, *Trillium Ovatum*, commonly known as western trillium or wake robin.

RS1960-119-2

#### Prohibition

- 2.** No person shall pick, cut down, dig or pull up, or knowingly injure or destroy, whether in blossom or not, a dogwood, rhododendron or trillium on land of a private owner, without the consent of the private owner being first obtained, or on land belonging to the Crown in right of the Province or to a municipality.

RS1960-119-3

#### Exception

- 3.** The prohibition contained in section 2 does not apply to free miners, land surveyors, timber cruisers, foresters and lumbermen engaged in the lawful carrying out of their respective occupations, or to persons engaged in the lawful carrying out of a public work.

RS1960-119-4

#### Limitation of action

- 4.** An information for an offence against this Act shall be laid before the expiration of 30 days from the happening of the offence.

RS1960-119-7

#### Onus of proof

- 5.** In a prosecution under this Act in respect of dogwood, rhododendron or trillium on land of a private owner, the onus of proof is on the defendant to show that the consent mentioned in section 2 was obtained.

RS1960-119-8

**Offence and penalty**

**6.** (1) Every person who contravenes this Act commits an offence and on conviction is liable to a fine not exceeding \$25.

(2) Subject to subsection (3), and notwithstanding any law to the contrary, all fines imposed under this Act shall be paid into the consolidated revenue fund.

(3) A court imposing a fine under this Act may direct that 1/2 of it be paid to the person on whose information the fine is recovered.

RS1960-119-5,6.