



CHAPTER 28

An Act to amend the Quebec Mining Act

[Assented to, the 22nd of June, 1940]

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

1. Section 42 of the Quebec Mining Act (Revised Statutes, 1925, chapter 80), as amended by the acts R.S., c. 80, s. 42, am. 19 George V, chapter 26, section 3, and 3 George VI, chapter 51, section 4, is again amended by inserting therein, in the second to last paragraph thereof added by the last of the said acts, after the word: "revoked", in the sixth line of the said paragraph, the words: "as to the mining rights".

2. The said act is amended by adding thereto, after section 42 thereof, the following section: Id., s. 42a, added.

"**42a.** When the Minister proposes to effect a revocation of concessions of mining rights in virtue of the preceding section, he shall cause a sixty days' notice to be served upon the owner. If the owner does not reside in the Province, is unknown or cannot be traced, the Minister shall give such notice by causing it to be published in the *Quebec Official Gazette*, in a daily newspaper published in the French language and in a daily newspaper published in the English language in the city of Montreal. Notice served on owner. Giving notice by publication in certain cases.

No right to revoke may be exercised if the owner proves that non-operated concessions are necessary to him for a reserve to secure the continuity of the mining enterprises exploited by him in the Province. Concessions necessary as reserve.

Revocation
procedure.

At the expiration of the delay and after such inquiry as the Minister may deem expedient to order, he shall decide if there be occasion to effect the revocation and whether the mining rights have a merchantable value or not, and shall notify the owner of his decision by registered letter to the last known address of the latter. If the Minister decides that there is reason for revocation and for indemnity, he shall subsequently proceed in the manner contemplated in the Expropriation Act. If he decides that there is occasion for revocation without indemnity, the owner may appeal from the decision, within a delay of six months, in the same manner as if he had been expropriated.”.

1 Ed. VIII,
(2), c. 22, s. 7,
repealed.
Declaratory
provision.

3. Section 7 of the act 1 Edward VIII (2nd Session), chapter 22, is repealed and it is enacted that no revocation of concessions made in virtue of the said section does extend to anything other than mining rights.

Revocation
to affect only
mining rights.

It is likewise declared that no revocation made under the provisions of the act 3 George VI, chapter 51, section 4, does extend to anything other than mining rights; the provision enacted by section 1 of the present act shall have the same effect as if it had been inserted in the said act at the time of its adoption.

Retroactivi-
ty.

Coming into
force.

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