



CHAPTER 51

An Act to amend the Quebec Mining Act

[Assented to, the 28th of April, 1939]

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

1. Section 28 of the Quebec Mining Act (Revised Statutes, 1925, chapter 80), as amended by the act 24 George V, chapter 29, section 2, and replaced by the act 1 George VI, chapter 41, section 11, is amended:

a. By replacing the words: "and prospected", in the first line of sub-paragraph 1 of the first paragraph thereof, by the words: ", prospected and developed";

b. By adding thereto, after the word: "purchase.", in the second line of sub-paragraph 2 of the said first paragraph thereof, the words: "The Minister may authorize the holder of a development license to extract and ship each year, to any ore-treatment mill situated in the Province of Quebec, a quantity of ore not exceeding three hundred tons. The Minister may exercise the same discretion in the case of substances which, within the meaning of sub-paragraph 2 of section 3, are neither mines nor minerals when found in the lands of private parties, and may authorize the exploitation thereof on Crown lands, under a development license. In the latter case, the license is issued upon payment of a fee of ten dollars and of an annual rental of one dollar an acre, and the licensee shall be subject to all the provisions of the act with respect to operators.".

2. Section 31a of the said act, as enacted by the act 16 George V, chapter 27, section 5, and amended by the

act 20 George V, chapter 41, section 8, and replaced by the acts 24 George V, chapter 29, section 3, and 1 Edward VIII (2nd Session), chapter 21, section 1, and amended by the act 1 George VI, chapter 42, section 1, is again amended by inserting therein, after the word: "lots", in the second line of sub-paragraph *a* of the second paragraph thereof, the words: "and to dispose of such lots".

R.S., c. 80,
s. 31b, am.

3. Section 31b of the said act, as enacted by the act 1 Edward VIII (2nd Session), chapter 21, section 1, is amended by adding thereto the following paragraph:

Restriction.

"This provision shall not apply to the surface rights of the lands subdivided into building lots and ceded to third parties in conformity with section 31a."

R.S., c. 80,
s. 42, am.

4. Section 42 of the said act, as amended by the act 19 George V, chapter 26, section 3, is again amended by adding thereto the following paragraphs:

Revoking of
certain con-
cessions of
land.

"Any concession of land for exploitation of the ore to be found therein, for which letters patent were issued before the 1st of July, 1911, and any concession of land containing ore made before the 24th of July, 1880, the working of which has remained idle during the five years preceding the 1st of March, 1939, may be revoked by the Lieutenant-Governor in Council, upon the recommendation of the Minister, and notwithstanding the provisions of Division II of this act.

Notice.

Notice of such revocation shall be published in the *Quebec Official Gazette* and shall take effect from the date of its publication."

R.S., c. 80,
s. 47, am.

5. Section 47 of the said act as amended by the act 1 George VI, chapter 41, section 20, is again amended by replacing the words: "and a development license", in the second line of the second paragraph thereof, by the words: "or the holder of a claim when such claim is not yet under a development license".

Id., s. 48, am.

6. Section 48 of the said act, as amended by the acts 16 George V, chapter 27, section 9; 18 George V, chapter 32, section 4; 20 George V, chapter 41, section 15, and as replaced by the act 1 George VI, chapter 41, section 22, is amended:

a. By replacing sub-paragraph 1 of the first paragraph thereof by the following:

"1. By placing, at the apex of each angle of the lot aforesaid, commencing with stake No. 1 and terminating with stake No. 4, stakes on which such holder shall affix metal plates numbered 1, 2, 3, and 4, and bearing the number of his miner's certificate, the stake nearest the northeast point bearing the number 1, that nearest the southeast point bearing the number 2, and so on;"

b. By replacing the words: "the name of the discoverer", in the second line of sub-paragraph 2 of the said first paragraph thereof, by the words: "his name".

7. Section 49a of the said act, as enacted by the act R. S., c. 80, 24 George V, chapter 29, section 4, and as amended by the act 1 George VI, chapter 41, section 24, is again amended by adding thereto, at the end thereof, the words: "and has obtained a new miner's certificate. This new miner's certificate shall be issued free but shall not give the holder thereof the right to stake out claims in the names of other persons in virtue of section 50".

8. Section 50 of the said act, as amended by the acts R.S., c. 80, 20 George V, chapter 41, section 16, and 1 George VI, chapter 41, section 26, is again amended:

a. By inserting therein, after the words: "of a", in the first line thereof, the word: "first";

b. By replacing the words: "under the same miner's certificate", in the fifth line thereof, by the words: "per calendar year".

9. Section 53a of the said act, as enacted by the act 16 George V, chapter 27, section 12, and amended by the act 18 George V, chapter 32, section 5, is again amended by adding thereto, after the word: "party", at the end of the second paragraph thereof, the words: ", provided, however, that the claim be not in the possession of a third person who is a holder in good faith under a transfer registered within the past five years in conformity with section 31 of this act".

10. Section 54 of the said act, as amended by the acts 20 George V, chapter 41, section 19, and 1 George VI, chapter 41, section 29, is repealed.

11. Section 54a of the said act, as enacted by the act 24 George V, chapter 29, section 5, and amended by the act 1 George VI, chapter 41, section 30, is again amended:

a. By inserting therein, after the word: "Crown," in the sixth line of the second paragraph thereof, the words: "and may be sold by the Minister";

b. By inserting therein, after the word: "occupant", in the second line of the third paragraph thereof, the words: "by the former holder of the claim".

R.S., c. 80,
s. 54b, am.

12. Section 54b of the said act, as enacted by the act 2 George VI, chapter 44, section 2, is amended:

a. By inserting therein, after the word: "license", in the second line of the first paragraph thereof, the words: ", or of a Crown land situated within the limits of a mining village,";

b. By inserting therein, after the word: "unjustly", in the second line of the second paragraph thereof, the words: "or illegally".

Id., s. 56, am.

13. Section 56 of the said act, as replaced by the act 18 George V, chapter 32, section 6, and amended by the acts 21 George V, chapter 45, section 1, and 1 George VI, chapter 41, section 32, is again amended by inserting therein, after the word: "it", in the seventh line of the first paragraph thereof, the words: "or had any interest in it".

Id., s. 61, am.

14. Section 61 of the said act, as amended by the acts 16 George V, chapter 27, section 14; 18 George V, chapter 32, section 8; 19 George V, chapter 26, section 5, and 1 George VI, chapter 41, section 39, is again amended:

a. By adding thereto, after the word: "party", in the sixth line of subsection 2 thereof, the words: ", provided, however, that the license be not in the possession of a third holder in good faith, under a transfer registered within the past five years in conformity with section 31 of this act";

b. By adding thereto, after subsection 8 thereof, the following paragraphs:

Reducing of
certain
annual rent.

Proviso.

"The Lieutenant-Governor in Council may, upon the recommendation of the Minister, for such period as he may determine but not exceeding two years counting from the 1st of July, 1939, reduce to twenty-five cents per acre the annual rent exigible for the issuing or the renewal of a development license, providing, however, that the applicant has in good faith, and within the delay contemplated under sections 58 and 61, performed all the work re-

quired by the said provisions. A person who has obtained the delay contemplated in section 61b for the performance of such work shall not be entitled to such reduction.

No person may claim the privileges of this provision unless he has, at least fifteen days prior to commencing the work, notified the Minister of the date when he will be at the premises with his workmen for the carrying out of the work." Notification required.

15. Section 66 of the said act, as amended by the act R.S., c. 80, s. 66, am.
1 George VI, chapter 41, section 43, is again amended:

a. By replacing sub-paragraph *a* of paragraph 3 thereof by the following:

"a. have staked out and produced an accurate description and a regular survey plan of the ground applied for;"

b. By adding thereto, after the said sub-paragraph *a* of the said paragraph 3 thereof, the following sub-paragraph:

"b. establish, by an affidavit, that, since the staking out of the ground, work has been done thereon for a value equal to one dollar an acre, for each acre under license;" Affidavit as to work done.

c. By replacing the letter: "*b*", before the last sub-paragraph of the said paragraph 3 thereof, by the letter: "*c*".

16. Section 69 of the said act, as amended by the act R.S., c. 80, s. 69, replaced.
1 George VI, chapter 41, section 44, is replaced by the following:

"**69.** The holder of a development license and the owner of mining rights on private lands may exercise the rights conferred upon them by their respective titles, and, as the case may be, do development work or work the mines which are therein, with the consent of the owner of the land, or, on his refusal, compulsorily, in the manner provided by the following sections." Exercising of certain rights.

17. Section 70 of the said act, as amended by the act R.S., c. 80, s. 70, am.
1 George VI, chapter 41, section 45, is again amended:

a. By inserting therein, after the word: "wishing", in the third line of the first paragraph thereof, the words: "as the case may be, to do development work or";

b. By replacing the word: "mine", in the first line of sub-paragraph 1 thereof, by the words: "do development work or operate, as the case may be,";

c. By replacing the words: "mining operations", in the second line of sub-paragraph 2 thereof, by the word: "work".

R.S., c. 80,
s. 72, am.

18. Section 72 of the said act is amended:

a. By inserting therein, after the word: "to", in the second line thereof, the words: "developing or";

b. By replacing the words: "mining operations", in the fourth line thereof, by the word: "work";

c. By replacing the word: "purposes", in the first and second lines of sub-paragraph 1 thereof, by the word: "work".

Id., s. 82, am.

19. Section 82 of the said act is amended by inserting therein, after the word: "for", in the fourth line thereof, the words: "developing or".

Id., s. 148,
am.

20. Section 148 of the said act is amended by replacing the words: "owner of a mine in operation", in the first line thereof, by the words: "operator of a mine".

Id., s. 158,
am.

21. Section 158 of the said act is amended by inserting therein, after the word: "jurisdiction", in the sixth line thereof, the words: "or before a judge of sessions or a district magistrate".

Id., s. 182, am.

22. Section 182 of the said act, as amended by the acts 21 George V, chapter 45, section 5; 24 George V, chapter 29, section 18, and 1 George VI, chapter 41, section 62, is again amended:

a. By replacing the word: "The", in the first line of the first paragraph thereof, by the words: "Notwithstanding any provision to the contrary, the";

b. By replacing the words: "scope of", in the second line of the first paragraph thereof, by the words: "area of any".

Coming into
force.

23. This act shall come into force on the day of its sanction, with the exception of sections 6, 7 and 10 which shall come into force only on the first of January, 1940.