



CHAPTER 44

An Act to amend the Quebec Mining Act

[Assented to, the 8th of April, 1938]

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

1. Section 31c of the Quebec Mining Act (Revised R.S., c. 80, Statutes, 1925, chapter 80), as enacted by the act 1 Ed- s. 31c, am. ward VIII (2nd Session), chapter 21, section 1, and as amended by the act 1 George VI, chapter 42, section 2, is again amended by inserting therein, after the word: "lands", in the third line thereof, the words: ", including those under mining claim or under development license, without being obliged to pay any indemnity,".

2. The said act is amended by adding thereto, after Id., s. 54b, section 54a thereof, as enacted by the act 24 George V, added. chapter 29, section 5, and as amended by the act 1 George VI, chapter 41, section 30, the following section:

"54b. Whenever any person is unjustly in possession of land covered by a mining claim or by a development license and refuses to yield up or abandon possession thereof, the holder of the claim or of the development license, or the Minister of Mines and Fisheries with the authorization of the Lieutenant-Governor in Council, may apply to a judge of the Superior Court having jurisdiction in the district in which the land is situated, by a petition duly served with a notice of at least ten full days of the date of its presentation, for the order contemplated in the second paragraph. Application by petition for order.

Granting
of order.

The judge, upon satisfactory proof that such person is unjustly in possession of the said land, shall grant an order enjoining such person to abandon possession thereof and to leave.

Effect, etc.,
of order.

Such order shall have the same effect as a writ of possession, and the sheriff or any bailiff to whom it is delivered to be executed must execute the same in the same manner as he would execute such a writ in an action to dispossess or in a possessory action.

Deemed sum-
mary matters.

The proceedings contemplated in this section shall be deemed summary matters and the costs shall be those of a first class action in the District Magistrate's Court.

Certain prop-
erty to be-
come Crown
property.

The houses or other buildings inhabited or possessed by any person, who has received an order from a judge to abandon possession thereof or to leave, shall become the property of the Crown thirty days after the expiration of the delay for execution fixed by the judge."

R.S., c. 80,
s. 58*a*, am.

3. Section 58*a* of the said act, as enacted by the act 1 George VI, chapter 41, section 35, is amended:

a. By replacing the words: "a claim", in the third line of the first paragraph thereof, by the words: "any claims";

b. By replacing the words: "the claim", in the fifth line of the said first paragraph thereof, by the words: "such claims".

Id., s. 127*t*,
added.

4. The said act is amended by adding thereto, after section 127*s* thereof, as enacted by the act 16 George V, chapter 27, section 19, the following section:

Authorizing
of person to
act as com-
missioner.

"**127*t*.** The Minister may, at any time before the appointment of a commissioner under this Division, authorize in writing a person to act as commissioner with respect to any question, demand or contestation which he may indicate.

His powers.

Such person, with respect to the question, demand or contestation submitted to him shall have the same powers as a commissioner appointed under this Division."

Coming into
force.

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