



CHAPTER 21

An Act to provide for the permanency of licenses to cut timber and the registration of certain deeds relating thereto

[Assented to, the 20th of April, 1934]

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

1. Section 34 of the Lands and Forests' Act (Revised R. S., c. 44, Statutes, 1925, chapter 44) is replaced by the following section:
s. 34, replaced.

“34. There shall be kept in the Department of Lands and Forests a register in the form deemed expedient by the Minister, in which shall be registered by memorial:
Registration by memorial:

1. At the diligence of the Minister, the sales, grants, locations, leases or occupation licenses granted on public lands, and for which letters-patent have not been granted;
Where no letters-patent.

2. At the diligence of the parties interested:

a. The assignments or transfers, made by the original purchasers or holders, of the rights they possess in public lands, and the hypothecs and other real rights agreed to by them and affecting such rights;
Transfers, etc., by original holders, etc.;

b. The assignments, transfers, hypothecs or other real rights made or agreed to by the heirs or assigns of such first purchasers or holders;
Id., by heirs, etc.;

c. The assignments or transfers made by means of a sale under the Municipal Code for taxes;
Id., by sale for taxes;

d. The assignments or transfers made by means of judicial sales, in cases in which such sales may lawfully take place.
Id., by judicial sales;

Notice by officers.

The officers effecting the sales mentioned in sub-paragraphs *c* and *d* of paragraph 2 of this section must, without delay, give notice thereof to the Minister."

R. S., c. 44, s. 39, replaced.

2. Section 39 of the said act is replaced by the following section:

Effect of registered transfer, etc.

"**39.** Assignments, transfers, hypothecs and other real rights so registered shall take effect from the date of their registration, as against others that have not been registered or have subsequently been presented for registration."

R. S., c. 44, s. 70, replaced.

3. Section 70 of the said act, as replaced by the act 18 George V, chapter 27, section 1, is again replaced by the following sections:

Term of license.

"**70.** No license shall be granted for longer than twelve months; but every license shall be subject to renewal in accordance with the regulations made, from time to time, by the Lieutenant-Governor in Council.

Renewal license.

The renewal of a license under the foregoing provisions shall, as regards the lands contemplated by such renewal, be the continuation of the license originally issued, and the renewal license, with respect to such lands, shall be deemed to have existed, without interruption, from the date of the issuing of the original license.

When certain license null.

If, in consequence of any incorrectness of survey or other error or cause, a license be found to comprise lands already included in a license of a prior date, the license last granted shall be null and of no effect in so far as it interferes with the one previously issued.

No indemnity, etc.

No holder or owner of the license having thus become null and of no effect shall have any recourse whatsoever against the Government for indemnity or compensation by reason of such nullity.

Provisions applicable.

"**70a.** The provisions of section 34 shall apply, *mutatis mutandis*, to licenses to cut timber."

R. S., c. 44, s. 76, am.

4. Section 76 of the said act is amended by replacing the second paragraph thereof by the following:

Renewed license.

"Any license to cut timber renewed within the delay allowed by the regulations shall take effect from the date of the issuing of the original license."

R. S., c. 44, s. 77a, added.

5. The said act is amended by adding thereto, after section 77 thereof, the following section:

When privilege, etc., extinguished.

"**77a.** Any privilege, hypothec or real right, affecting a right to cut timber or a timber limit right on public

lands, shall be extinguished *pleno jure* as soon as the land, upon which such right to cut timber exists, is withdrawn from a timber limit."

6. Notwithstanding the provisions of Articles 2098 and 2130 of the Civil Code, when an immoveable, the ownership whereof is transferred, consists of a right to cut timber on public lands and the deed transferring ownership has not been registered before the coming into force of this act, the registration of any assignment, transfer, hypothec or real right affecting the immoveable, agreed to by the acquirer, shall have effect from its date, provided that the right of the acquirer, consisting of the license in force when such assignment, transfer, hypothec or real right was agreed to, and any such assignment, transfer, hypothec or real right agreed to by him affecting the immoveable, have been registered before the date of the coming into force of this act or within twelve months after such date.

When registration of certain assignment, etc., to have effect.

Proviso.

Nothing in this section shall affect the priority of rank of any other real right, in accordance with the rules of the Civil Code, the registration whereof antedates the registration required by the preceding paragraph.

Provisions safeguarded.

Whenever a hypothec, mortgage, pledge, assignment or transfer is concerned which has been effected by deed of trust made under Articles 6119a and following of the Revised Statutes, 1909, or under Division v of the Special Corporate Powers Act (Revised Statutes, 1925, chapter 227), the registration required by the present section may be made in accordance with the rules of the Civil Code, or with those contemplated by the above-mentioned provisions of the Revised Statutes, 1909, or of the said Special Corporate Powers Act.

Optional registration in certain case.

7. The provisions of sections 1 and 2 of the act 23 George V, chapter 109, shall apply to any deed or document executed before the 13th of April, 1933.

Provisions applicable.

8. Nothing in this act shall be interpreted as restricting the already-existing provisions of the laws of this Province respecting the withdrawal from timber limits of lands required for purposes of colonization or for any other purposes, and respecting the issuing of licenses or leases duly authorized by such laws.

Rights, etc., safeguarded.

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

Coming into force.

