

the control of a guardian, shall be guilty of an offence under this act, and shall be liable, for each offence, upon summary conviction before a magistrate or a justice of the peace having jurisdiction at the place where the offence was committed, or upon penal action before the Circuit Court having jurisdiction, to a fine of not more than twenty-five dollars, and, in default of payment of such fine and costs, to imprisonment for not more than twenty days. Penalty.

3. In case a thoroughbred cow becomes with calf from the service of a bull that is not kept confined or under control as provided in section 1, the owner of such cow shall be entitled to recover, from the owner or person in charge of such bull, all damages resulting therefrom. Such damages shall be measured by the difference in the value of such cow before meeting such bull and afterwards. Responsibility in damages.

4. This act shall have effect only within the boundaries of local municipalities whose councils have passed a by-law to the effect that it shall apply in such municipality. Application of act.

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

C H A P. 43

An Act to amend the Revised Statutes, 1909, respecting the Department of Colonization, Mines and Fisheries

[Assented to, 19th of March, 1921]

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

1. Article 2045 of the Revised Statutes, 1909, as amended by the act 8 George V, chapter 30, section 2, is again amended by inserting therein, after the word: "colonization," in the first line of paragraph 1 thereof, the words: "the sale of public lands suitable for cultivation". R. S., 2045, am.

2. The following articles are inserted in the Revised Statutes, 1909, after article 2046 thereof: R. S. 2046a to 2046c, enacted.

"2046a. The Minister shall cause lists of the public lands suitable for cultivation, for sale in the several townships in the province, to be made out, from time to time. Lists of land suitable for cultivation.

Lists to be sent to various counties.

"2046b. He shall forward, each year, to the secretary-treasurer of every county municipality, a list of the public lands for which occupation licenses or location tickets have been granted in such county municipality, during the year next preceding, and for which no patents have issued.

Taxation of such lands.

Such lands shall be liable for the assessed taxes in the townships in which they respectively lie, from the date of such license or location ticket; and the purchaser, at the sale of any such lands for taxes, shall, as heretofore, have in the lands so sold the same rights only as the person entitled to claim under the Crown at the time of such sale.

Notification of cancellations of location tickets.

He shall, in like manner, apprise each such secretary-treasurer of the cancellation of any occupation license, or location ticket, and the registrar of every county and registration division of the cancellation of any patent of land within such county and registration division; from which time, until resold, leased, or regranted, the land affected shall cease to be liable to taxes.

Power to examine witnesses under oath.

"2046c. The Minister may, by a commission under his hand, authorize any Crown lands' agent or other person charged with making an enquiry into matters and things respecting the department, to hear witnesses under oath. Such commission may, at any time, be revoked by the Minister."

R. S., 2047, am.

3. Article 2047 of the said statutes is amended:

a. by inserting therein, after paragraph 1 thereof, the following:

"Under the direction and control of the Minister, the Deputy Minister may validly affix his signature in his said capacity to any act, receipt, occupation license, contract or deed of sale, location ticket, letters patent, revocation of sale or location.

The Lieutenant-Governor in Council may, whenever he thinks proper, revoke the powers of the Deputy Minister, wholly or in part.";

b. by inserting therein, after the words: "colonization agents," in the second line of paragraph 3 thereof, the words: "agents for the sale of Crown lands suitable for cultivation, inspectors of agencies,".

R. S., 2048a to 2048d, enacted.

4. The Revised Statutes, 1909, are amended by inserting therein, after article 2048 thereof, the following subsection and articles:

“§ 1a.—Agencies and agents”

“**2048a.** For the purpose of the sale of public lands ^{Agencies for} suitable for cultivation, and matters connected therewith, ^{sale of} the Lieutenant-Governor in Council may divide the province into agencies and sub-agencies, and may increase or diminish the number of such agencies or sub-agencies. ^{lands.}”

“**2048b.** The powers and duties of such agents for ^{Powers and} public lands shall comprise the sale and locating of all public ^{duties of} lands offered for sale and suitable for cultivation; the collection of arrears due; the settlement of difficulties arising from conflicting claims; the inspection of lands; the protection of the public domain within their respective agencies from trespassers and depredators; and such other duties as the Minister may think proper to assign them. ^{agents.}”

Such powers shall be exercised and such duties shall be performed under the direction of the Minister.

“**2048c.** The inspectors must visit and inspect every ^{Duties of} agency and sub-agency at least twice a year, and, in ^{inspectors.} addition, whenever an inspection is ordered by the Minister. Such inspector shall see that the books of the agency are kept in good order, and that all entries that should be made therein have been so made. He shall instruct the agent in his duties and place him in a position to perform the same intelligently and punctually.”

He shall hear complaints made against the Crown lands' ^{Enquiries re} agents in the course of his inspections and make complete ^{complaints.} enquiry respecting such complaints.

He shall, without delay, report each inspection and en- ^{Reports.}quiry to the Minister.

“**2048d.** the word “agent” wherever it occurs in “Agent” de- ^{Agent” de-}section *vii*a shall mean an agent for the sale of public ^{land.}lands suitable for cultivation.”

5. Paragraph 2 of article 2056 of the Revised Statutes, R. S. 2056, ^{am.} 1909, is amended:

a. by inserting therein, after the word: “roads,” in the first line thereof, the words: “and bridges”;

b. by inserting therein, after the word: “road,” in the third line thereof, the words: “or bridge”;

c. by inserting therein, after the word: “roads”, in the fifth line thereof, the words: “and bridges”.

6. Article 2064 of the Revised Statutes, 1909, as re- ^{R. S., 2064,} ^{am.}

placed by the act 10 George V, chapter 28, section 1, is amended by adding thereto the paragraphs following:

Insurance of covered bridges, by municipalities.

“Every covered bridge built, wholly or in part, by the department of Colonization, Mines and Fisheries, must be insured against fire up to two-thirds of its value, by the municipality benefitted thereby or, if such municipality be too poor to do so, or if such bridge have been built in territory not yet organized as a municipality, then by the county municipality.

Or by Department, in certain case.

Upon the failure or refusal of such municipality so to do, the department itself, after previous notice, may take out an insurance policy, and shall be entitled to recover the amount of the premium either from the municipality interested, or, in default thereof, from the county municipality.”

R. S., 2067, am.

7. Article 2067 of the Revised Statutes, 1909, is amended by adding thereto the paragraph following:

Surplus timber after opening of roads.

“After the opening of a road upon any of the lands transferred to the Department of Colonization, Mines and Fisheries, if any surplus timber remain, such surplus shall belong to the Minister, who may dispose of the same either by sale or by making use of it for the works under his control.”

R. S. 2090^a to 2090^{aaa}, enacted.

8. The following section and articles are inserted in the Revised Statutes, 1909, after article 2090 thereof:

“SECTION VIIA

ADMINISTRATION AND SALE OF PUBLIC LAND SUITABLE FOR CULTIVATION

“§ 1. *General provisions*

Minister of Col. Mines & Fisheries to have charge of sale of land.

“**2090a.** The Minister shall have charge of the administration and sale of the public land suitable for cultivation, put at his disposal by the Lieutenant-Governor in Council.

Lt. Gov. in C. may make orders for necessary matters.

“**2090b.** The Lieutenant-Governor in Council may pass such orders as are necessary to carry out the provisions of this section, or to meet cases which may arise and for which no provision is made.

Publication of such orders.

“**2090c.** Such orders shall be published in the *Quebec Official Gazette* and in such newspapers as the Minister

may direct, and shall be laid before the Legislature within the first ten days of the next session.

No such order shall be inconsistent with this section, save that the powers given to the Minister may be exercised by the Lieutenant-Governor in Council, and shall be subject to any order in council regulating or affecting the same. Orders not to be inconsistent with this section.

"2090d. Any affidavit required under this section, or intended to be used in reference to any claim, business or transaction in the department, may be taken before any judge, or prothonotary or clerk of any court, or any justice of the peace, or any commissioner for taking affidavits in any of the courts, or the Minister or the Deputy-Minister, or any officer or agent of the Minister, or any sworn land surveyor appointed by the Minister to inquire into or take evidence or report in any matter submitted to or pending before such Minister, or, if made outside the Province, before the mayor or chief magistrate of, or the British Consul in, any city, town or other municipality. Before whom affidavits may be made.

"2090e. No resident agent for the sale of public lands suitable for cultivation shall, within his agency, directly or indirectly, unless under an order of the Lieutenant-Governor in Council which shall not be for more than two hundred acres, purchase any land which he is appointed to sell, or become proprietor of or interested in any such land, during the time of his agency; and any such purchase or acquiring of interest shall be void. Purchase, etc. by agent, of land, etc., in his agency, to be void.

"2090f. No other person holding an office under this chapter, or employed in the department, shall, while holding such office or employment, unless under an order of the Lieutenant-Governor in Council, purchase, directly or indirectly, any right, title or interest in any public land suitable for cultivation, either in his own name, or through any other person, or in the name of any other person in trust for himself, or take or receive any fee or emolument for negotiating or transacting any business connected with his office or employment. Employees not to traffic in public lands.

Any title or interest thus obtained shall be null and void, and any person contravening this article or article 2090e, shall forfeit his office or employment and be liable to a penalty of four hundred dollars to be recovered in an action for debt by any person suing for the same. Penalty.

"2090g. Any agent knowingly or falsely informing or causing to be informed, any person applying to him to locate or purchase any land within his division or agency, Penalty for agents knowingly giving false

information, etc. that the same has already been located, assigned or purchased, shall be liable therefor, to the person so applying, in the sum of five dollars for each acre of land which the person so applying offered and was entitled to locate or purchase, to be recovered by action for debt in any court of record having jurisdiction for that amount.

Agent may in certain cases refuse to sell or locate lands. “**2090h.** Whenever it appears to any agent that any land within his agency or division, at his disposal under existing regulations to sell or locate or to put under license, should be withdrawn from the list of lands so disposable within his agency or division, such agent may provisionally refuse any application for the purchase of such land or for an occupation license.

Agent neglecting to report to Minister. “**2090i.** Any such agent refusing or neglecting to report to the Minister, within eight days thereafter, his reasons for such refusal to sell, locate, or put under license, as the case may be, any such land, shall be liable therefor to the applicant in the sum of five dollars for each acre of land which such applicant offered and was entitled to locate or purchase or to have put under license to him, to be recovered by action for debt in any competent court of record.

“§ 2. *Sale of public lands suitable for cultivation*

Conditions of sale of land suitable for cultivation. “**2090j.** Every sale of public land suitable for cultivation shall be upon the condition that the acquirer shall clear and put in a good state of cultivation, in one block, at least thirty acres in every one hundred.

Amount to be cleared each year. The acquirer must clear, each year, three acres and not more than five acres in every one hundred, unless previously authorized by the Minister to clear more.

When letters patent to be issued. The letters patent shall not be issued until an area of land, representing thirty per cent of the area of the lot, has been cleared in one block, of which at least five acres must be arable, and the other conditions of the location ticket have been fulfilled.

Cutting of timber before issue of letters patent. No timber shall be cut before the issue of the letters patent, save for clearing, for firewood, or for building and fencing purposes; and any timber cut in contravention of this provision shall be deemed to have been cut without a permit on public land.

Exception. The Lieutenant-Governor in Council may, however, issue letters patent three years after the issue of the location ticket, for public land cleared of timber, provided all the conditions of settlement fixed by law or any order in council in force have been previously fulfilled.

The Lieutenant-Governor in Council may issue letters patent in favor of possessors of public lands, for the quantity of acres they occupy without a title, who, before the 19th of March, 1921, have fulfilled all conditions of payment and settlement on the said lands and who have put under cultivation an area of at least fifty per cent.

“2090k. The Lieutenant-Governor in Council shall fix the selling price as well as the conditions of settlement, of payment and other terms of sale not fixed by law, and penalties for contraventions of the law and the regulations.

The price, the conditions of settlement and of payment, as well as all other conditions that the Lieutenant-Governor in Council has the power to establish, according to the territory to which they apply.

“2090l. Upon such conditions and at such prices as may be fixed by law or by the Lieutenant-Governor in Council, the agent shall be bound to sell land suitable for cultivation to any *bona fide* settler who applies therefor.

No sale of more than one hundred acres shall be made by the agent to the same person, unless the lot applied for contains, according to survey, more than one hundred acres, in which case the agent may sell the lot as surveyed.

Sales made by such agents take effect from the day on which they are made; but if the location ticket contains any clerical error, misnomer or misdescription of the land, the Minister may annul such location ticket, and order a new and corrected one to be issued, which shall take effect from the date of the first one.

“2090m. Whosoever has obtained for settlement, either under the law previous to the twenty-ninth of May, 1909, or under this section, the number of acres of land then permitted to be sold, cannot obtain more until he has procured the issuing of letters patent for the lands which he holds under location ticket and until at least half of the said lands have been put under cultivation. Nevertheless every grantee, who, having obtained a first grant of one hundred acres, makes an affidavit before the agent or before a notary that he is the father of at least four children under sixteen years of age, shall be entitled to a further grant of one hundred acres.

“2090n. Before making the sale, the agent shall obtain from the settler an affidavit according to form A; and the Crown lands' agent or a notary may receive the same.

“2090o. The Lieutenant-Governor in Council may

in certain cases.

appropriate any public lands as free grants to actual settlers upon any public roads opened through the said lands in any new settlements, under such regulations as shall, from time to time, be made by order in council; but no such free grant shall exceed one hundred acres.

Occupation license or location ticket to be issued to intending settlers.

“**2090p.** The Minister may issue, under his hand and seal, to any person who has purchased, or may purchase, or is permitted to occupy, or has been entrusted with the care or protection, of any public land, or to whom a free grant was made, an instrument in the form of an occupation license or location ticket; and such person, or his assignee, by an instrument registered under this section or any other law providing for registration in such cases, may take possession of and occupy the land therein comprised, subject to the conditions of such license, and may thereunder, unless the same has been revoked or cancelled, maintain suits at law against any wrong-doer or trespasser, as effectually as he could do under a patent from the Crown.

Effect thereof as evidence of possession.

Such occupation license or location ticket shall be *prima facie* evidence of possession by such person or his assignee under an instrument registered as aforesaid in any such suit.

Occupation licenses, etc. issued before 23rd of April, 1860, to have the same effect.

“**2090q.** Every occupation license granted, and every certificate of sale or receipt for money received on the sale of public land and every location ticket granted or made by the Commissioner of Crown Lands or any of his agents, previous to the twenty-third day of April, 1860, so long as the sale or grant, to which such occupation license, receipt, certificate or location ticket relates, is in force and not rescinded, shall have the same force and shall inure to the benefit of the party to whom the same was granted or to the assignee by instrument registered as aforesaid, in the same manner and to the same extent as the instrument in the form of an occupation license mentioned in article 2090p.

Effect of documents signed by an agent before 24th of December, 1875.

“**2090r.** All occupation licenses, certificates of sale, or receipts for moneys paid on the sale of public lands, and all location tickets granted or drawn up before the twenty-fourth of December, 1875, by the Commissioner of Crown Lands or any of his agents, so long as the sale or concession to which they relate, is in force and has not been rescinded, shall have the same force and effect and shall benefit the person in whose favor the same have been granted or his heirs and legal representatives in virtue of an instrument

registered in conformity with the foregoing provisions, in the same manner and to the same degree as the instrument in the form of an occupation license specified in article 2090*p*.

“**2090s.** All occupation licenses, certificates of sale, or receipts for moneys paid on the sale of public lands, and all location tickets issued and signed by any Crown Lands’ agent in favor of any person who has purchased public lands, shall have the same effect in respect of such person and his assigns, and shall confer upon them the same rights, powers and privileges, in relation to the lands for which they have been issued, and shall subject them to the same conditions, as if such person had obtained from the Minister an instrument in the form of an occupation license in conformity with article 2090*p*.

Effect of documents signed by an agent.

“**2090t.** The lots sold or otherwise granted for colonization purposes from the first of July, 1909, to the nineteenth of March, 1921, inclusive, cannot, for five years, counting from the date of the location ticket, be sold by the holder of the location ticket, nor otherwise alienated, wholly or partly, except by donation *inter vivos*, or by will, in the direct line ascending or descending or in the collateral line, or by *ab intestat* succession or by donation in a marriage contract, or by will in favor of a consort; and, in such cases, the donee, legatee or heir shall be subject to the same prohibition as the original acquirer.

Prohibition to alienate.

Exception.

Nevertheless any other transfer made after the first of July, 1909, during the five years counting from the date of the location ticket, shall be valid if it has previously been authorized by the Minister, on proof, to his satisfaction, that such transfer is in the interest of colonization; the new acquirer shall be subject to the same prohibition as the original acquirer.

Transfers to be valid in certain case.

Every transfer made in contravention of this article shall be null *ab initio* as between the parties, and shall entail the cancellation of the sale or grant of the lot.

Transfers null in certain cases.

The prohibition in this article shall not apply from and after the date of the issue of the latter patent, when they are issued before the expiration of the five years.

Application of prohibition.

“**2090u.** No lot sold or otherwise granted for colonization purposes after the 19th of March, 1921, may, for six years from and after the date of the location ticket, be sold by the holder of the location ticket, nor otherwise alienated or transmitted, in whole or in part, except by donation in a marriage contract or by will, in favour of a relative within the order of succession, or by

Prohibition to alienate.

Exception.

ate succession, or by will in favour of a consort, and in such case the donee, the legatee or heir shall be subject to the same prohibition as the original holder.

Validation of certain alienations.

Every alienation or transmission of land held under location ticket, by donation in a marriage contract or by will in favour of a consort, prior to the 19th of March, 1921, shall be valid if it be not null or voidable for some other reason.

Transfers may be allowed in certain cases.

The Minister may, nevertheless, allow any other transfer or alienation within six years of the date of the location ticket, upon proof, to his satisfaction, that such transfer or alienation is in the best interest of colonization. The new holder shall be subject to the same prohibition as the original holder. Every transfer or alienation so authorized since the 1st of July, 1909, shall be valid.

Transfers null in certain cases.

Every transfer made in contravention of this article shall be null *ab initio* as between the parties, and shall entail the cancellation of the sale or grant of the lot.

Application of prohibition.

The prohibition in this article shall not apply from and after the date of the issue of the letters patent, when they are issued before the expiration of the six years.

Register of transfers.

“**2090**v. For the purposes of this section, the department shall keep a register, in which shall be registered by memorial at the request of the parties interested,—

1. the transfers made by the original purchasers or locatees of their rights to any public lands acquired by purchase, grant, location, lease or occupation license, and for which letters patent have not been granted;
2. the transfers made by the heirs or assigns of such first purchasers or locatees, if the titles under which they have a right to the possession of such lands have been duly registered under this section, or if their names have been substituted by the Minister in the books of his department;
3. the transfers made by means of a sale for taxes under the Municipal Code;
4. the transfers made by means of judicial sales, in cases in which such sales may lawfully take place, and if effected upon the first purchaser or upon his heirs or assigns, within the meaning of paragraph 2 of this article.

Notices to Minister.

The officers effecting the sales mentioned in paragraphs 3 and 4 of this article must without delay give notice thereof to the Minister.

Delay for registration.

Every such transfer must be registered within a delay of sixty days.

“**2090w.** In order that it may be received and registered, every transfer mentioned in paragraphs 1 and 2 of article 2090*v* must,—

Conditions precedent for registration.

- a. be passed before a notary, or
- b. be made by private writing in presence of two witnesses, and be accompanied by the affidavit of one of such witnesses, stating the place and date at which it was passed, the name, residence and occupation of each witness, or—if the witnesses be absent from the Province or dead—by the affidavit of any other person proving the death or absence of such witnesses, and their signatures, or that of the person who so made the transfer,—

and must contain no resolutive clause or right of redemption, condition, obligation, or charge which has not been previously settled or discharged, either actually or by agreement or consent of parties.

“**2090x.** No transfer, however, mentioned in paragraph 1 or 2 of article 2090*v*, may, except by leave of the Minister, be registered, if it be not satisfactorily shewn that the conditions of sale, concession or location, lease or occupation license have been duly fulfilled.

Ditto.

The registration of a transfer in virtue of this article shall not exempt the transferee from fulfilling all conditions of sale to which the original acquirer was bound.

“**2090y.** Every transfer registered shall be numbered and have endorsed thereon a certificate signed by the Minister or Deputy-Minister or other person authorized for that purpose, mentioning the date of the registration, and be deposited as vouchers in the archives of the department of Colonization, Mines and Fisheries.

Transfer to be registered and certificate required.

“**2090z.** Immediately after the registration, the name of the transferee shall be substituted in the books of the department for the name of the transferor.

Substitution of names.

“**2090aa.** Transfers 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.

Date from which transfers take effect.

“**2090bb.** No person shall obtain letters patent from the Crown for more than three hundred acres of land for colonization purposes, by means of transfer from the original purchaser of a lot of land acquired from the Crown, or from the assigns of such original purchaser.

Maximum of 300 acres for one person.

This article shall not apply to the case in which lots

Exception.

originally acquired from the Crown have passed, by abintestate succession, or by will, or by judicial sale or by sale for municipal or school taxes, to those who apply for the letters patent.

Declaration under oath.

Every person applying for the issue of letters patent under a transfer registered in the Department, must declare under oath, according to the form prescribed by the Minister, the number of acres of land he holds, if any, under letters patent, when he makes his application. In such case, in virtue of such transfer, no new letters patent shall be granted for more land than is sufficient to make up the maximum of three hundred acres.

Proof in support of application.

“2090cc. Whosoever applies for letters-patent for public land and finds that he is unable to produce a deed of transfer with the formalities required for registration, may furnish such proof as the Minister may deem requisite in support of his application; and, in such case, if, according to the evidence, the application be found just and equitable, the name of the petitioner shall be substituted for that of the preceding purchaser.

Terms to be deemed valid.

“2090dd. In letters-patent, heretofore issued at the request of a petitioner unable to furnish titles or sufficient proof as aforesaid, the use of the following terms, without naming any one in particular: “to the legal representatives of (*name of the purchaser or transferee*)” shall be deemed valid.

Similar letters patent may still be issued in the same manner by using the same terms.

“Legal representatives,” mean all those who may have any rights whatever to the property under the Civil Code.

No timber dues in certain case.

“2090ee. No timber dues shall be exacted on any timber cut by settlers on lots regularly acquired by location ticket from the Crown, provided such timber be cut in good faith, upon that part which the settler is obliged to clear to fulfil his obligations.

Double timber dues in certain case.

“2090ff. For five years after the issue of the letters patent, the holder of the license to cut timber upon the uncleared part of any lot sold for colonization purposes, must pay double timber dues to the Crown.

This provision shall be inserted in the letters patent.

Area to be kept wooded.

“2090gg. For twenty years after the issue of the letters patent, an area of fifteen per cent of each lot conveyed by the Crown for colonization purposes, must be

kept wooded, for the domestic use of the owner or possessor.

In case of contravention, the latter must pay to the ^{Penalty.} Crown double timber dues.

This provision shall be inserted in the letters patent.

“ § 3.—*Cancellation*

“**2090hh.** If the Minister be satisfied that any purchaser, grantee, lessee or locatee of any public land, or any assignee claiming under or through him, has been guilty of any fraud or imposition, or has violated or neglected to comply with any of the conditions of the sale, grant, location, lease or occupation license, or if the sale, grant, location, lease or occupation license have been or be made or issued by mistake, or contrary to the law or to the regulations, he may cancel such sale, grant, location, lease or license, and resume the land therein mentioned, and dispose of it as if no sale, grant, location, lease or license thereof had ever been made. ^{Cancellation of sale, etc. in certain case.}

The provisions of this article have applied and shall continue to apply to every such sale, grant, location, lease or license made prior to the act 32 Victoria, chapter 11, section 20.

“**2090ii.** The cancellation under article 2090hh shall effect complete forfeiture of all moneys paid by the purchaser, grantee, occupant or lessee, whether on account or in full payment of any sale, grant, or location or any lease or occupation license, as well as any expenses or improvements laid out or made on the land or lands therein mentioned. The Minister may, nevertheless, grant such compensation or indemnity as he may consider just and equitable. ^{Effect of cancellation.}

“**2090jj.** Such right of cancellation shall not be deemed an ordinary right of resolution of a contract for non-fulfilment of conditions. It shall not be subject to article 1537 of the Civil Code, and may always be exercised, as occasion may require, whatever time may have elapsed since the sale, grant, location, lease or occupation license. ^{Provisions to apply, etc.}

“**2090kk.** No cancellation under article 2090hh shall be made before a notice is given by the Minister or by a Crown lands' agent authorized by him in the manner hereinafter indicated. ^{Notice must be given.}

“**2090ll.** Such notice shall be posted by the Crown lands' agent, or by any person authorized by him, on the ^{Posting, etc. of notice.}

door of the church or chapel or other public building nearest to the lots in question. It shall be sent by post-card to the purchaser, grantee, locatee, or lessee of any public land or his assigns mentioned in article 2090hh.

Contents of notice.

The notice shall state that the cancellation shall take place, if necessary, at any time after thirty days from the date of the posting.

Owner may set forth reasons against cancellation.

“**2090mm.** During such thirty days the owner or occupant of the lot may set forth his reasons against such cancellation.

Provisions not affected.

“**2090nn.** Nothing contained in the preceding articles shall affect any of the provisions of the Quebec Mining Law.

Writ of possession.

“**2090oo.** If any purchaser, lessee, or other person refuse or neglect to deliver up possession of any lands after revocation or cancellation of the sale, grant, location, lease or occupation license thereof, or if any person, being wrongfully in possession of the same, refuse to leave or deliver up possession thereof, the Minister may apply to a judge of the Superior Court having jurisdiction in the district in which the land lies, for an order in the nature of a writ of possession.

Judge may grant order.

Upon proof to his satisfaction that the right or title of the person to hold such land has been revoked or cancelled as aforesaid, or that such person is wrongfully in possession of public land, the judge shall grant an order upon the purchaser, lessee or person in possession to deliver up the same to the Minister or person authorized by him to receive the same.

Effect of order.

Such order shall have the same force as a writ of possession, and the sheriff or any bailiff or person to whom the same may be entrusted by the Minister for execution, shall execute the same in like manner as he would execute such writ in an action of ejectment or in a possessory action.

Minister to have authority.

“**2090pp.** When, by law or by any deed, lease or agreement, relating to any of the lands therein referred to, any notice is required to be given, or any act to be done, by or on behalf of the Crown, such notice may be given or act done by or by the authority of the Minister.

“§ 4.—*Proceedings*

Recovery of arrears, etc.

“**2090qq.** All arrears or sums whatever due to the Government by reason of the sale of public land, for

colonization purposes, may be recovered by an ordinary action for debt, brought in the name of the Crown, before any court of competent jurisdiction.

“**2090rr.** If, in any such suit, the defendant fails to appear or to plead, proceedings may be had and judgment may be rendered therein according to the provisions of the Code of Civil Procedure. Procedure.

“**2090ss.** In all such suits, in case of contestation, the burden of proof shall be upon the defendant. Burden of proof.

“**2090tt.** Notwithstanding articles 49, 55 and 56 of the Code of Civil Procedure, such actions shall, as regards the jurisdiction of the court, procedure and costs, be dealt with as if they were purely personal actions. Personal actions. The defendant may not, in such actions, plead any immoveable rights, annual rents, or matters wherein rights in future may be bound.

“§ 5.—*Registration of letters patent*

“**2090uu.** All letters patent of the Crown, whereby any grant of the public lands in the Province suitable for cultivation is made for colonization purposes shall be delivered to the person entitled thereto by the Minister of Colonization, Mines and Fisheries, a copy thereof being previously recorded in a register to be kept for that purpose by the Provincial Registrar or his deputy, without any other entry or registration. Letters patent to be registered.

“**2090vv.** The minister may require that the certificate of the performance of the conditions of settlement, requisite for the obtaining of letters patent of a lot acquired from the Crown, shall be given under oath by the persons chosen by the Minister to give such certificate, and according to the form supplied by the Minister. Certificate under oath.

“§ 6.—*Letters patent issued in error*

“**2090ww.** Whenever letters patent have been issued to or in the name of the wrong party, through mistake in the department, or contain any clerical error, or misnomer, or wrong description of the land thereby intended to be granted, the Minister (there being no adverse claim), may direct such defective letters patent to be cancelled and correct ones to be issued in their stead. Replacement of defective letters patent.

Such corrected letters patent shall relate back to the Effect thereof.

date of those so cancelled, and have the same effect as if issued at the date of such cancelled letters patent.

Inconsistent letters patent, etc.

"2090xx. Whenever inconsistent grants or letters patent have issued for the same land through error, and in all inconsistent cases of sales or appropriations of the same land, the Minister may, in case of sale, cause the purchase money to be repaid with interest. When the land has passed from the original purchaser or has been improved before the discovery of the error, or when the original grant or appropriation was a free grant, he may, in substitution, assign land or issue scrip entitling the party to purchase Crown lands of such value and to such extent as to the Minister may seem just and equitable under the circumstances.

Prescription.

No such claim shall be entertained unless made within five years from the discovery of the error.

Deficiencies may be made good.

"2090yy. Whenever, by reason of incorrect survey or error in the books or plans of the department, any grant, sale or appropriation of land is found to be deficient, or any parcel of land contains less than the quantity mentioned in the patent therefor, the Minister may order the repayment of the purchase money of so much land as is deficient, with the interest thereon from the time of the application therefor, or, if the land have passed from the original purchaser, then the repayment of purchase money which the claimant, provided he was ignorant of a deficiency at the time of his purchase, has paid for so much of the land as is deficient, with interest thereon from the time of the application therefor. Such repayment shall be made in land or in money, or in land-scrip, as the Minister may direct. In case of a free grant, he may order a grant of other land, equal in value to the land so intended as a free grant at the time such grant was made.

How repayment to be made.

Prescription.

No such claim shall be entertained unless application have been made within five years from the date of the patent, or unless the deficiency be equal to one-tenth of the whole quantity mentioned in the grant."

Compensation to be moveable property.

"2090zz. All compensation awarded under articles 2090xx and 2090yy, except where land is specially assigned therefor by the Minister, shall be treated as moveable property and dealt with accordingly.

Setting aside of letters patent by court.

"2090aaa. Letters-patent granted by the Crown may be declared null or set aside by the Superior Court for the causes and in the manner prescribed by the Code of Civil Procedure."

9. Article 2091 of the Revised Statutes, 1909, is amended: R. S. 2091,
am.

a. by inserting therein, after the word: "chapter", in the eighth line thereof, the words: "as well as the improvements made, the buildings erected and the expenses incurred by such settlers";

b. by replacing the word: "five" in the second line of the second paragraph thereof, by the word: "six".

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

FORM

A.—(Article 2090n)

Declaration of Settler on Purchase of Lot.

- I _____ of _____ declare:
in the county of _____
1. I am _____ years of age;
 2. I reside at present at (*give the name of the municipality with the street and number if there be any*).
 3. I wish to acquire lot No. _____ of the _____ range of the township of _____; and I declare that I have seen the lot;
 4. I wish to acquire this lot in my name for the purpose of clearing and cultivating it for my own personal benefit.
 5. I am now in possession under a location ticket or location tickets issued to me (*or which has or have been transferred to me, as the case may be*) of a lot or lots of land acquired from the Crown (*indicate and describe such lots*).
 6. The lot or lots of land of which I am in possession under letters patent issued to me (*or to some person whose rights I have acquired, as the case may be*), is or are, to the extent of at least one-half thereof, under cultivation.
 7. I have not lent my name to any other person for the purpose of acquiring such lot.
 8. I am not acquiring the said lot for the sole purpose of cutting the timber thereon for sale or having it cut for sale by others, but in order to *bona fide* settle thereon.
 9. I declare that the lot is at present unoccupied, and is not improved, except _____
 10. I swear that all the above facts are true.
- And I have signed.

Sworn before me at	}	C. D.
this day of 19		
A. B.		