

CHAP. 27

An Act to amend the Quebec Mining Law

[Assented to 29th May, 1909]

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

1. Article 1421 of the Revised Statutes, as enacted by the R.S.Q., 1421, act 55-56 Victoria, chapter 20, section 1, is replaced by the following :

“ **1421.** In this section which may be styled “ the Quebec Interpretation-Mining Law ”, as well as in all orders in council or regulations promulgated in virtue thereof, the following expressions, unless the context or subject-matter otherwise requires, shall have the following meanings :

1. The words “ to mine ” and “ mining ” mean any mode or method of working whatsoever, whereby the soil or earth, or any rock or stone may be disturbed, removed, carted, carried, washed, sifted, smelted, refined, crushed, or otherwise dealt with, for the purpose of obtaining any minerals; “ Mine.” “ Mining.”

2. The words “ mines ” and “ minerals ” mean and include all quarries of stone of whatever kind, and all stones or rocks, earth or soil, whether alluvial or not, in which are found gold, silver, copper, phosphate of lime, asbestos, or any mineral substance of appreciable value; “ Mines.” “ Minerals.”

3. The words mining division mean any territory erected into a “ mining division ” under this law; “ Mining,” “ division.”

4. The words “ public lands ” or “ Crown Lands ” mean all Crown Lands or Ordnance Lands transferred to the Province, Clergy lands or lands of the Jesuits’ Estates, Crown Domain or Seigniorship of Lauzon, which have not been alienated by the Crown; “ Public lands.” “ Crown Lands.”

5. The words “ private lands ” mean all lands conceded or otherwise alienated by the Crown, other than mining concessions or lands conceded by the Crown as such, or which shall be hereafter conceded; “ Private lands.”

6. The words “ private person ” mean any person who possesses a lot of land, as proprietor or usufructuary, upon which mines or minerals exist or are supposed to exist; “ Private person.”

7. The words “ mining license ”, mean a license granted to any person, firm or company to work a mine situate on a designated territory, on paying the rent fixed by law; “ Mining license.”

8. The words “ miner’s certificate ”, mean the authorization granted to any prospector to prospect for mines generally on “ Miner’s certificate.”

all lands on which the mining rights belong to the Crown, and to stake out claims ;

“ Claim.” 9. The word “ claim ”, means the land between the stakes surrounding a discovered mine ;

“ Licensee.” 10. The word “ licensee ”, means any person, firm or company that has obtained a license under this section ; and the words “ holder of a miner’s certificate,” mean the person that has obtained such certificate ;

“ Party wall.” 11. The words “ party wall or *passage* ”, mean a bank of earth or rock left between two excavations ;

“ Mill or machine license.” 12. The words “ mill or machine license ”, mean a permit to use machinery for the purpose of extracting or preparing minerals ;

“ Licensed mills or machines.” 13. The words “ licensed mills or machines ” mean the mills or machines so licensed for extracting gold or silver from stone or quartz ; and the words “ licensed mill or machine owner ” the person to whom any such license has been granted ;

“ Licensed mill or machine owner.” 14. The words “ superior metals ” or “ superior minerals ”, mean all minerals, except products of little value, and building material, such as peat, bog ores, ochres, clay, marl, sand, gravel, mineral waters, and building stone such as limestone, sandstone or granite, which are called “ inferior minerals ” ;

“ Inferior minerals.” 15. The words “ mining concession ”, mean any tract of country sold for the purpose of mining ;

“ Mining concession.” 16. The words “ underground mining concession ”, mean any underground mining property sold for the purpose of mining under this section ;

“ Minister “ Commissioner.” 17. The word “ Minister ” or “ Commissioner ”, when used alone, means the Minister of Colonization, Mines and Fisheries ;

English measure to be used. 18. Measures or distances, made or computed in virtue of this section, shall be according to English measure.”

Id., 1436, amended. **2.** Article 1436 of the Revised Statutes, as enacted by the act 55-56 Victoria, chapter 20, section 1, and replaced by the act 7 Edward VII, chapter 18, section 3, is amended :

a. By replacing paragraph 1 thereof by the following :

Grants in unsubdivided territory. “ 1. In unsubdivided territory, a rectangular area of not more than two hundred nor less than forty acres in sections adjoining or separated from each other.”

b. By replacing the words “ varying from one to four ”, in the second line of paragraph 2, by the words : “ one or two ”, and the word “ four ”, in the fifth line, by the word : “ two ”.

Id., 1437, replaced. **3.** Article 1437 of the Revised Statutes, as enacted by the act 55-56 Victoria, chapter 20, section 1, is replaced by the following :

“ **1437.** In unsurveyed territory, the principal outside lines ^{Direction of} of mining concessions may be drawn in a northerly and southerly ^{certain out-} and easterly and westerly ^{side lines.} direction.”

4. Article 1442 of the Revised Statutes, as enacted by the ^{Id., 1442,} act 55-56 Victoria, chapter 20, section 1, and replaced by the ^{amended.} act 7 Edward VII, chapter 18, section 4, is amended by striking out the words “ prospecting or ”, in the second line.

5. Article 1443 of the Revised Statutes, as enacted by the ^{Id., 1443,} act 55-56 Victoria, chapter 20, section 1, and replaced by the ^{amended.} acts 2 Edward VII, chapter 15, section 1, and 7 Edward VII, chapter 18, section 5, is amended by replacing the word “ four ”, in the second line, by the word : “ two ”.

6. The following article is inserted in the Revised Statutes ^{Id., 1444,} after article 1443, as enacted by the act 55-56 Victoria, ^{added.} chapter 20, section 1, and replaced by the act 7 Edward VII, chapter 18, section 5 :

“ **1444.** With applications to purchase a mining concession ^{Price of} or concessions, and the production of the documents mentioned ^{mining con-} in this section, the applicant shall pay to the Department of ^{cessions, &c.} Colonization, Mines and Fisheries, the price, in full, of the mining concessions he wishes to acquire, at the following rates: ten dollars per acre for superior metals more than twenty miles distant from a railway, and twenty dollars when less than twenty miles distant ; and for inferior metals two dollars per acre, when more than twenty miles distant from a railway, and four dollars when less than twenty miles distant.”

7. Division first of sub-section ninth of section ninth of ^{Id., 1452,} chapter sixth of title fourth of the Revised Statutes, as enacted ^{&c.,} replaced by the act 55-56 Victoria, chapter 20, section 1, is replaced by the following :

“ 1.—MINER’S CERTIFICATE

“ **1452.** The Minister of Colonization, Mines and Fisheries ^{Miner’s cer-} may deliver a miner’s certificate to any person applying to the ^{tificate, &c.} Department itself or to one of its agents. Such certificates shall be valid from the date of their issue until the first day of January next following.

“ **1453.** The fee for such certificate shall be ten dollars, ^{Fee for such} payable at the office of the Department or to one of its agents, ^{certificate.} on delivery. The certificate shall be according to Form F, and if accidentally lost or damaged, a duplicate may be ^{Form of} given. ^{certificate.}

Certificate to be exhibited.

“ **1454.** The bearer of a certificate shall exhibit it to any officer of the Department demanding the same.

Prospecting by holder of certificate.

“ **1455.** Any person holding a miner's certificate may prospect on all public lands surveyed or not surveyed, or on the lands of private persons where mines are reserved by the Crown, but not on any land that is the subject-matter of a claim, or that is under mining license or that is withdrawn from mining operations by competent authority.

Security to be given by prospector.

Nevertheless, if the bearer of a miner's certificate desires to prospect on the land of private persons, he must give good and sufficient security to the satisfaction of the Minister, that he will answer for all injury or damage which he may cause to the surface owner while so prospecting.

“ Ia.—STAKING ON UNSURVEYED TERRITORY

Staking out rectangular claim.

“ **1456.** Every holder of a miner's certificate may himself mark out on the ground, one or more rectangular claims, not exceeding five, with sides running northward and southward, and eastward and westward, each covering at least forty acres and not more than a total of two hundred acres in area, in the manner and to the effect following :

Planting discovery post.

1. By planting a squared stake on a prominent point, indicating the discovery. Such stake shall bear, in very legible characters, the name of the discoverer, the number of his certificate and the date of the discovery ;

Planting corner posts.

2. By placing at the apex of each angle of the lot aforesaid, stakes numbered 1, 2, 3 and 4, the stake nearest the north-east point bearing the number 1, that nearest the south-east point, bearing the number 2, and so on ;

Inscriptions on stake No. 1.

3. By putting on stake number 1, the inscriptions of the discovery stake and indicating the distance between those stakes ;

Lines between stakes to be visible.

4. The lines between such stakes, including that connecting the discovery stake with stake number 1, shall be visibly cut or indicated on the ground ;

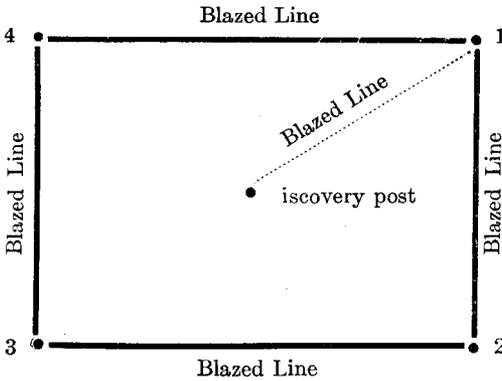
Planting of witness post in certain cases.

5. If it is impossible to plant a stake at one of the angles, owing to the configuration of the ground, such stake may be put at the nearest practicable point, by putting the following inscription on it : W. P. (witness post) or P. I. (*piquet indicateur*) and an indication of the distance in the direction of the true point ;

Length of stakes &c.

6. The length of the stakes shall be about four feet above the soil and their diameter about four inches ;

7. The following diagram gives the description of a Diagram, claim marked out according to the above method.



“ Ib.—STAKING IN SURVEYED TERRITORY

“ **1457.** In surveyed territory, the holder of a miner’s certificate may stake out not more than one or two claims of one hundred acres or of one lot each, by planting one picket at the place of the discovery, in the manner mentioned in paragraph 1 of article 1456 ; the contours of the claim being sufficiently indicated by the boundaries of the lot itself. Nevertheless, if the lot is in the forest, the indications mentioned in article 1456 must be made at the apex of each angle. In the case of land no longer belonging to the Crown, the claim may nevertheless apply to a fraction of a lot only.

Staking claims in surveyed territory.
 Proviso: Claims on lots not belonging to Crown.

“ **1457a.** The holder of a miner’s certificate who makes a discovery must proceed with diligence to stake it as required; otherwise he may forfeit his right if some other person stakes the claim before he does.

Claims to be staked diligently, &c.

“ **1457b.** The holder of a miner’s certificate who marks out a claim by proceeding as aforesaid, must give notice without delay to the Department of Colonization, Mines and Fisheries, or to the officer of the Department having an office in the place nearest to the discovery.

Notice by discoverer to Department.

“ **1457c.** If the claim is admitted by the Department, or by the officer mention thereof shall be made on the back of the miner’s certificate and also in the books of the Department.

Endorsement on certificate that claim admitted, &c.

“ **1457d.** He must also, within four months from the date inserted on the stakes, obtain a mining license in accordance

Obtaining of mining license.

with articles 1460 and following, on pain of forfeiture of all rights and privileges.

- Application. The application to that effect must be accompanied :
- Fee, &c. 1. By the amount of the fee and rent ;
- Description of lot, &c. 2. By a description of the lot marked out on the ground with a sketch or plan and also an indication of the nearest land-marks such as lakes, rivers, surveys or dwellings, if any ;
- Solemn declaration. 3. By a solemn declaration attesting that such lot has not been previously marked out and is not under a mining license, and giving the names and the date of the inscription on the stake as well as the number of his certificate, the whole according to form G."

Id., 1461, amended. **8.** Article 1461 of the Revised Statutes, as enacted by the act 55-56 Victoria, chapter 20, section 1, is amended :

a. By replacing the word " five ", in the second line of the first paragraph, and in the third line of the fourth paragraph by the word : " ten ".

b. By inserting after the word " superficies ", in the second line of paragraph 3, the words : " and in unsurveyed territory of less than forty acres."

Id., 1463, amended. **9.** Article 1463 of the Revised Statutes, as enacted by the act 55-56 Victoria, chapter 20, section 1, is amended by replacing all the words following the word " further ", in the second line, by the following : " the names of the applicants for licenses, the description of the mining lands which they have marked, according to law, and all other information which the Minister of Colonization, Mines and Fisheries may deem useful."

Id., 1489, amended. **10.** Article 1489 of the Revised Statutes, as enacted by the act 55-56 Victoria, chapter 20, section 1, is amended by adding after the word " vehicles ", in the fourth line, the words : " tramways, railways, or electric lines."

Id., 1459, 1491, 1492, 1493, repealed. **11.** Articles 1459, 1491, 1492 and 1493 of the Revised Statutes, as enacted by the act 55-56 Victoria, chapter 20, section 1, are repealed.

Id., 1498, amended. **12.** Article 1498 of the Revised Statutes, as enacted by the act 55-56 Victoria, chapter 20, section 1, and replaced by the act 1 Edward VII, chapter 13, section 5, is amended by adding after the word " mine ", in the sixth line, the words : " the quantity and value of the marketable product."

Id., 1528, amended. **13.** Article 1528 of the Revised Statutes, as enacted by the

act 55-56 Victoria, chapter 20, section 1, is amended by striking out the words : " or every applicant for a license who has staked out a mining lot in conformity with article 1491 ", in the first, second and third lines.

14. Article 1534 of the Revised Statutes, as enacted by Id., 1534, the act 55-56 Victoria, chapter 20, section 1, is replaced by ^{replaced.} the following :

" **1534.** Any person convicted of intentionally removing or ^{Penalty for} disturbing any stake or post planted in accordance with ^{removing,} the provisions of this section, is liable to a fine not exceeding ^{&c., stake,} twenty-five dollars and costs, and to imprisonment for not more than one month in default of payment."

15. Article 1554 of the Revised Statutes, as enacted by the Id., 1554, act 55-56 Victoria, chapter 20, section 1, is amended by re-^{amended.} placing the words " the Revised Statutes of Canada, chapters 174 and 178 " in the fourth, fifth and sixth lines, by the words : " Part XV of the Criminal Code."

16. Article 1580 of the Revised Statutes, as enacted by the Id., 1580, act 55-56 Victoria, chapter 20, section 1, and amended by the ^{amended.} act 7 Edward VII, chapter 18, section 10, is further amended by striking out paragraph 2.

17. Schedule A of the Quebec Mining Act, as enacted by the 55-56 V., c. act 55-56 Victoria, chapter 20, section 1, is amended by re-^{20, schedule} placing the word " five ", in the second line, by the word : ^{A, amended.} " ten ".

18. Schedule B of the Quebec Mining Law, as enacted by Id., ^{schedule} the act 55-56 Victoria, chapter 20, section 1, is amended by ^{B, amended.} replacing the word " five ", in the second line, by the word : " ten ".

19. Schedule F of the Quebec Mining Law, as enacted by Id., ^{schedule} the act 55-56 Victoria, chapter 20, section 1, is replaced by ^{F, replaced.} the following :



“ SCHEDULE F

(Article 1453)

Miner's Certificate

Department of Colonization, Mines
and Fisheries

These presents certify that A.B.

of

Name.....

Address.....

Signature.....

Date.....

on payment to
us of the sum of \$10.00, is authorized
to prospect until the first day of
January next upon any surveyed or
unsurveyed lands forming part of the
public domain or belonging to private
persons, the mining rights upon which
have not already been alienated nor
made subject to a license of any kind
or to a reserve. This certificate is
not transferable.

Minister of Colonization,
Mines and Fisheries.

Dated at

this day

of 19

(Countersigned)

Id., schedule
G, replaced.

20. Schedule G of the, Quebec Mining Law as enacted by
the act 55-56 Victoria, chapter 20, section 1, is replaced by the
following :

“ SCHEDULE G

(Article 1457d)

To the Honourable the Minister of Colonization,
Mines and Fisheries,

Quebec.

Sir,

I, _____ residing at _____

declare that being the bearer of a miner’s certificate, bear-
ing the No. _____ and dated the _____

I have discovered minerals, and that at the place of such
discovery I planted a stake bearing the date of _____,
my name and the number of my certificate. I also planted a
stake as required at each of the angles of the ground.

The distance from the discovery stake to the stake No. 1
is *

- From No. 1 to No. 2.....
- From No. 2 to No. 3.....
- From No. 3 to No. 4.....
- From No. 4 to No. 1.....

The ground consequently comprises an area of.....acres
as to which I request the issue of a mining license, and for such
purpose I enclose the sum of.....
that is to say \$10.00 for fees and \$......of rent.

For the purposes hereof I elect domicile at (*indicate the place
and the post-office address*).

I have seen no previous discovery mark upon the ground,
which, moreover, to my personal knowledge, is not under li-
cense of any kind ; and I make this solemn declaration con-
scientiously believing it to be true, and knowing that it has

* N. B.—In surveyed territory, only the discovery post need
be mentioned.

the same force and effect as if made under oath, and by virtue of the Canada Evidence Act.

Declared before me } (Signature)
 at }
 day of 19 }
 (Signature)

Received at the Department of }
 Colonisation, Mines and Fish- }
 eries, at Quebec, the } (Signature)
 day of 19 }
 with the sum of " }

Certain pros- **21.** Prospecting licenses in force at the time of the coming
 pecting li- into force of this act, shall not be affected thereby, and may be
 censes not renewed until the first day of January, 1910, when they shall
 affected, &c. cease to have effect.

What provi- All provisions respecting prospecting licenses, repealed by
 sions to this act, shall, until the first day of January, 1910, apply to
 apply to such licenses in force when this act comes into force, and to
 them. those renewed in virtue of this article.

Coming **22.** This act shall come into force on the day of its sanction.
 into force.

CHAP. 28

An Act to amend the Revised Statutes respecting Agricultural Societies and Farmers' Clubs

[Assented to 27th April, 1909]

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

R.S.Q., 1667, **1.** Article 1667 of the Revised Statutes is amended by
 amended. replacing the words " fifty-thousand ", in the first line of the second paragraph by the words : " fifty-five thousand."

Id., 1761, **2.** Article 1671 of the Revised Statutes, as replaced by the
 amended. act 56 Victoria, chapter 20, section 8, is amended by replacing the words " fifty thousand ", in the second line, by the words : " fifty-five thousand."

Id., 1675*ii*, **3.** Article 1675*ii* of the Revised Statutes, as enacted by the
 amended. act 56 Victoria, chapter 20, section 10, amended by the act