

57 Victoria, chapter 19, section 1, and replaced by the act 61 Victoria, chapter 17, section 4, is amended :

a. By replacing the words “ fifty thousand ”, in the second and third lines, by the words : “ fifty-five thousand.”

b. By inserting after the words “ agricultural societies ”, in the fourth line, the words : “ or from any other appropriation voted therefor.”

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

C H A P . 29

An Act to amend the law respecting colonization societies in certain parts of the Province

[Assented to 7th 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 1734 of the Revised Statutes is amended :

R.S.Q., 1734,
amended.

a. By replacing the words “ a township or part of a township ”, in the fifth and sixth lines of the first paragraph, by the words : “ a township or townships or a part or parts of a township or townships ” ;

b. By replacing the words “ The lots of such township or such part of a township ”, in the first line of the second paragraph, by the words : “ The lots of such township or townships or part or parts of such township or townships.”

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

C H A P . 30

An Act to amend the Revised Statutes respecting homesteads

[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 1743 of the Revised Statutes, as replaced by the R.S.Q., 1743, act 60 Victoria, chapter 27, section 1, is again replaced by the following : replaced.

Certain lands not to be hypothecated, &c.

“ **1743.** No public lands, granted to a *bona fide* settler by instruments in the form of location tickets, licenses of occupation, or certificates of sale or other titles of a similar nature or to the same effect, in virtue of chapter sixth of title fourth of these Revised Statutes, respecting the Department of Lands and Forests and the matters connected therewith, and according to the orders in council and regulations passed in virtue of the said chapter, shall, so long as letters-patent are not issued therefor, be pledged or hypothecated by judgment or otherwise, or be liable to seizure or execution for any debt whatsoever, except for the price of such lands, the payment of municipal and school taxes, costs of road work, and assessments for the building of churches, parsonages and cemeteries, the whole notwithstanding articles 1980 and 1981 of the Civil Code, and articles 613 and 614 of the Code of Civil Procedure.

Exemption from seizure, &c., limited to certain time.

Nevertheless, such right of exemption from seizure and execution shall not extend beyond five years from the date of the location ticket, license of occupation, certificate of sale or other similar title as aforesaid.”

R.S.Q., 1744, replaced.

2. Article 1744 of the Revised Statutes, as replaced by the act 60 Victoria, chapter 27, section 1, and amended by the act 6 Edward VII, chapter 21, section 1, is replaced by the following :

Selection of land as homestead.

“ **1744.** Every grantee of public lands in this Province, who acquires the same by location ticket, license of occupation, certificate of sale or other similar title, issued in his name or in the name of another person of whom he has become the grantee, assignee, or legal representative, may, during the three months next after the issue of his letters-patent, select a certain number of acres of such land, not exceeding one hundred, as his homestead.

Homestead, on certain conditions, to be exempt from seizure, &c.

So soon as he has made a solemn declaration of such selection according to schedule A of this section, and such declaration has been acknowledged, in accordance with the Canada Evidence Act and has been registered within the said delay of three months next after the issue of the letters-patent, in the registry office for the registration division of the place where such property is situated, the land, so selected as a homestead, with the buildings and appurtenances thereon erected, and so long as they shall remain in the possession of such grantee, or in the possession of his widow and children, his heirs, legatees or donees, as well as the rights, title and interest they may have therein, shall, notwithstanding the provisions of articles 1980 and 1981 of the Civil Code and articles 613 and 614 of the Code of Civil Procedure, be exempt from seizure and execution, during the fifteen years next after the date of the registration of such declaration, for the pay-

ment of debts which they may have contracted, either before or during such period, unless it be for the price of such lands or for the extinction of the lawful charges and hypothecs for which they themselves have pledged the property after the issue of such letters-patent.

Upon receipt of such declaration and upon payment of a fee of fifty cents, the registrar shall be obliged to register such declaration and to furnish, upon payment of a similar fee of fifty cents, to the grantee or his representatives as aforesaid, a certificate in accordance with form B of this section, which certificate shall be valid before all courts of justice in this Province.”

Registration
of certain
declaration
&c.

3. Article 1745 of the Revised Statutes, as replaced by the Id., 1745, act 60 Victoria, chapter 27, section 1, is again replaced by the following :

replaced.

“ **1745.** Without prejudice to articles 598 and following of the Code of Civil Procedure, the moveables and effects herein-after enumerated, whether they be in the possession of a *bona fide* settler, as described in article 1743, or in the possession of his widow, or of his or their children or descendants in a direct line, are so long as the person upon whom the seizure is made, is proprietor of the land in virtue of the said article, exempt from seizure and execution for any debt whatsoever except for the payment of the taxes, charges and dues mentioned in article 1743, from the date of the grant of such lands and during fifteen years from the issue of the letters-patent, to wit :

Certain set-
tlers' effects.
Exempt from
seizure, &c.

1. The beds, bedding and bedsteads in ordinary use by his family ;

2. The necessary and ordinary wearing apparel of himself and his family ;

3. One stove and pipes, one crane and its appendages, one pair of andirons, one set of cooking utensils, one pair of tongs and a shovel, one table, six chairs, six knives, six spoons, six forks, six plates, six tea-cups, six saucers, one sugar-basin, one milk-jug, one tea-pot, all spinning-wheels and weaving looms in domestic use, one axe, one saw, one gun, six traps, and such fishing nets and seines as are in common use, and ten volumes of books ;

4. All necessary fuel, meat, fish, flour, and vegetables sufficient for him and his family for three months ;

5. Seed grain necessary to sow his land ;

6. Two horses, two draught oxen, ten other head of horned cattle, six sheep, five pigs, all the poultry, and the grain and other forage intended for the support or fattening of these animals and poultry ;

7. Vehicles and implements of agriculture ;

8. The building materials intended to be employed in the construction of or repairs or improvements to, the buildings and mills on his land.

The debtor may select the chattels mentioned in paragraphs 1, 2, 3, 4, 5 and 6 from any larger number of the same kind.

The chattels mentioned in paragraphs 3, 4, 5, 6, 7 and 8 shall not be exempted from seizure and sale for the purchase price thereof."

Id., art. 1746, enacted.

4. The following article is inserted in the Revised Statutes, after article 1745 :

Certain time deducted from period of exemption.

" **1746.** If a settler has occupied Crown lands for more than five years before the issue of the letters-patent, the excess over such five years shall be deducted from the fifteen years' exemption mentioned in article 1745."

Certain acts, &c., not invalidated.

5. No acts or transactions made and entered into in virtue of articles 1743 and 1744 of the Revised Statutes as contained in the act 60 Victoria, chapter 27, section 1, amended by the act 6 Edward VII, chapter 21, section 1, shall be deemed to have been invalidated by this act.

Certain alienations declared legal.

The proprietor of a homestead and of public lands in virtue of articles 1743 and 1744 of the Revised Statutes, has the right, and is declared to have always had the right to alienate by gratuitous or by onerous title, even without the consent of his consort expressed in a notarial deed.

Pending cases not affected.

This act shall not affect pending cases which may have been taken before the coming into force thereof.

Schedules A and B inserted.

6. The following schedules are inserted in the Revised Statutes, after article 1748.

SCHEDULES

A.—(Article 1744.)

Declaration of selection of Homestead.

I, A. B., of _____, in the county of _____, hereby solemnly declare that I am the proprietor and in possession of public lands in virtue of letters-patent issued on the _____ day of the month of _____, 19____.

That, in conformity with section twelfth of chapter seventh of title fourth of the Revised Statutes of the Province of Quebec, respecting the protection of settlers, I have selected

acres of such land as a homestead, which land is described as follows : (*description of the land.*)

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if given under oath and by virtue of the Canada Evidence Act.

(*Signature,*) A. B.

| | |
|---------------------------------|------------|
| Declared and acknowledged | } |
| before me, one of His Majesty's | |
| Justices of the Peace for the | |
| district of | |
| , at | |
| , this | day of the |
| month of | , 19 . |

(*Signature*) S. H.,

Justice of the Peace.

B.—(*Article 1744.*)

Registrar's Certificate.

I, L. M., Registrar of the registration division of _____ hereby certify that A. B., of _____, in the county of _____, has filed in my office, for registration, his solemn declaration to the effect that in virtue of section twelfth of chapter seventh of title fourth of the Revised Statutes of the Province of Quebec, respecting the protection of settlers, he has selected as a homestead, _____ acres of public lands owned by him under letters-patent from the Crown, which land is described as follows : [*description of the property,*] and that, in conformity with the said section, I have registered such declaration to avail for all lawful purposes.

Dated at _____ this _____ day of the month of _____, 19 _____

(*Signature*) L. M.,
Registrar.

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