

"1207. In so far as regards the solemnization of marriage by any such minister, no marriage license issued in any other manner or from any other authority, shall be necessary."

No other license required.

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

Coming into force.

CHAP. 13

An Act to amend the law respecting the sale and management of public lands, woods and forests

[Assented to 2nd June, 1904]

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

1. The following article is added after article 1249 of the Revised Statutes :

Art. added after R. S., 1249.

"1249a. The Lieutenant-Governor in Council may appoint as many inspectors of Crown lands and timber agencies as are deemed necessary with such salary as he deems equitable.

Appointment &c., of inspectors of agencies.

The agencies shall be visited and inspected by an inspector or at least twice a year, and, in addition, whenever an inspection is ordered by the Minister.

When agencies to be inspected.

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.

Duties of inspectors.

He shall instruct the agent upon his duties and place him in a position to perform the same intelligently and with punctuality.

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

He shall, without delay, report each inspection and enquiry to the department."

2. The following article is added after article 1253 of the Revised Statutes :

Art. added after R. S., 1253.

"1253a. 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."

Power to examine witnesses under oath.

Art. added
after R. S.,
1261.

Authority to
pass over
private lands
in perform-
ance of duties.

3. The following article is added after article 1261 of the Revised Statutes :

"1261a. The Minister or any officer of the Department of Lands, Mines and Fisheries, and every person accompanying any one of them or who is duly authorized by the Minister, may enter upon and pass over any private property, if necessary to do so in the performance of any duty imposed upon him by the law respecting Lands, Mines and Fisheries."

Art. added
after R. S.,
1267d.

4. The following article is added after article 1267d of the Revised Statutes, as enacted by the act 55-56 Victoria, chapter 19, section 2 :

Persons re-
cognized as
being entitled
to grant
under Twelve
Children Act
may :

"1267dd. 1. All those who have in the past been recognized as being entitled to a grant of land in virtue of the Twelve Children Act and who have not as yet selected their lot and all those who shall be so recognized in the future, may at their option :

Obtain grant
of land, or

(a) Obtain a gratuitous grant of one hundred acres of land according to the formalities prescribed by law, to clear and cultivate the same ; or

Select lot so
as to obtain
premium from
license
holder.

(b) Select a lot within a territory covered by a timber license, in the township or unorganized territory nearest to their domicile, if there is not a lot in the township or unorganized territory of their domicile, so as to obtain from the holder of the license the payment of a premium of fifty dollars after complying with the formalities set forth in the following paragraphs.

Declaration
to be made in
such circum-
stances.

2. In selecting his lot, the applicant must declare whether he desires to obtain the grant so as to settle upon the lot or whether he desires to obtain the payment of the premium of fifty dollars. The declaration of such selection by the applicant must be made in the form C or form D, as the case may be. The selection of the lot is subject to the approval of the Minister.

Notification
to timber
license holder
and applica-
tion to pay.

3. Upon being notified of the selection by the applicant according to form C, the Minister shall notify the timber license holder in whose territory the lot is selected and require him to pay to the department the premium of fifty dollars to be paid over to the applicant. The payment must be made by the timber license holder within a delay of thirty days after the receipt of such notice.

When pay-
ment to be
made.

Effect of de-
fault to pay.

The default to pay such sum by the timber license holder is a cause for the cancellation of the license.

Effect of pay-
ment as to
lots so paid
for.

4. The lots so selected and for which the timber license holder has paid the premium of fifty dollars cannot be

granted for purposes of cultivation during fifteen years from the date of the payment thereof, and they shall for that time remain in the license unless such license is sooner cancelled."

5. Article 1267^e of the Revised Statutes, as enacted by R. S., 1267^e, the act 55-56 Victoria, chapter 19, section 2, and replaced amended. by the act 58 Victoria, chapter 17, section 2, is amended by adding after the word : "petitioner," in the second line, the words : " according to form D."

6. The following article is added after the said article 1267^e of the Revised Statutes : Art. added after R. S., 1267^e.

"1267^{ee}. Fathers and mothers, who, before the coming into force of the act 58 Victoria, chapter 17, had been recognized as being entitled to a gratuitous grant of one hundred acres of land, and who have not selected their lot of land during the year next after the coming into force of this act, shall be obliged, if they do not apply for the payment of the premium in virtue of article 1267^{dd}, to take the location ticket mentioned in article 1267^e, at the time they select their lot." Title to be granted to persons entitled to grant under Twelve Children Act, before 58 V., c. 17.

7. The following articles are added after article 1268 of the Revised Statutes : Arts. added after R. S., 1268.

"1268^a. The Lieutenant-Governor in Council may make a classification of public lands in the following manner : Classification of public lands by Lieutenant-Governor in Council.

1. Lands suitable for cultivation ;
2. Lands for forest industries.

"1268^b. No sale can, after the classification authorized by the preceding article, be made, for colonization purposes, outside the lands suitable for cultivation and classified as such." Sales for colonization purposes thereafter.

8. Article 1269 of the Revised Statutes, as amended by R. S., 1269, the acts 60 Victoria, chapter 22, section 14 ; 63 Victoria, chapter 14, section 1, and 1 Edward VII, chapter 8, section 7, is replaced by the following : replaced.

"1269. Upon the conditions and for the price established by the Lieutenant-Governor in Council, the Crown lands' agent, if there is no contestation, is bound, after the classification authorized by article 1268^a, to sell the lands suitable for cultivation and classified as such, and before such classification lands suitable for cultivation, to any *bond fide* settler who applies for the same. No such sale can be made of more than two hundred acres to the same person. Agents bound to sell lands applied for by *bond fide* settlers. Amount to be sold.

When sales
take effect.

Correction of
errors, &c.

The sales made by the agents take effect from the day upon which they are made; but, if the location ticket contains any clerical error or an error in the name, or an incorrect description of the land, the Minister may cancel the location ticket and order the issue of a new one, corrected, which will take effect from the date of the former one.

Declaration
before making
sale.

"**1269a.** Before making the sale the Crown lands' agent shall require the settler to make a declaration under oath in the form E; and the Crown lands' agent is authorized to receive the settler's oath."

R. S., 1275,
replaced.

9. Article 1275 of the Revised Statutes is replaced by the following:

Transfers to
be registered
must:

"**1275.** 1. In order that they may be received and registered, the transfers mentioned in the first two paragraphs of the preceding article shall:

Benotarial, or

(a) Be passed before a notary, or

Be made by
private writ-
ing and
attested.

(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 made the transfer.

Certain rights
not affected by
issue of let-
ters-patent.

2. The rights, charges, obligations and mortgages lawfully created upon a lot of land acquired from the Crown by the first purchaser or his assigns, before the issue of the letters-patent, are not affected by the letters-patent, and may be exercised in the same manner as they would have been before the issue thereof.

Delay to
transmit
transfers.

Effect if not
transmitted.
When regis-
tered.

"**1275a.** Transfers made by the first purchaser of a lot of land acquired from the Crown or by his assigns before the issue of the letters-patent shall be transmitted to the department within thirty days after they are passed, upon pain of nullity. But such transfers are registered in the Department only if all the conditions of article 1276 are fulfilled.

Limit of num-
ber of acres
to be obtained
upon trans-
fers.

"**1275b.** No person shall obtain letters-patent from the Crown for more than three hundred acres of land for colonization purposes, by means of transfers from the original purchaser of a lot of land acquired from the Crown or the assigns of such original purchaser.

This article does not apply to the case in which lots originally acquired from the Crown have passed, by succession *ab intestat* or by will or by judicial sale or by sale for municipal or school taxes, to those who apply for the letters-patent.

Restriction of application of article.

Transfers of lots of land obtained by the same person for more than three hundred acres either from the same or different proprietors before the issue of the letters-patent are null and confer no right upon the assignee.

Nullity of transfers of more than three hundred acres.

The person applying for the registration of a transfer shall produce a declaration under oath attesting that he has not already obtained letters-patent for lots on Crown lands for more than three hundred acres, either directly from the Crown or by means of transfers already registered."

Declaration by person applying for registration of transfer.

10. Transfers heretofore made for lots not as yet patented shall be transmitted to the department before the 30th of April, 1905, under pain of the absolute nullity of such transfers.

Delay to transmit transfers already made.

11. The following articles are inserted before article 1283 of the Revised Statutes :

Art. added before R. S., 1283.

"1282a. Any person who obtains a lot of land from the Crown for colonization purposes, shall himself or through a person having a personal knowledge of the facts, within fifteen days after the expiration of the first year counting from the date of the location ticket, furnish to the Crown lands' agent a declaration under oath (according to the form supplied him by the agent) stating that he has fulfilled all the conditions set forth in the location ticket and exigible from him up to the date of the declaration.

Declaration to be produced by settlers.

Such declaration shall be produced, within the same delay above-mentioned, at the expiration of each of the years allowed the settler for clearing his land until the letters-patent are issued.

Annual declaration thereafter.

If the Crown lands' agent does not receive the declaration within the prescribed delay, he shall send to the owner of the lot, by registered letter, a form of declaration with a notice to return the same to him with the required information within thirty days from the depositing of the said letter in the post office.

Notice to be sent requiring declaration.

"1282b. If, within the delays fixed by the preceding article, the required declaration has not been filed with the Crown lands' agent, or if the declaration produced states that the conditions set forth in the location ticket are not fulfilled, the sale is void *de jure*, and the agent shall forthwith notify the department that the sale has be-

Effect of non-production of declaration, &c.

come null ; an entry of the nullity of the sale is made in the books of the department and notice thereof is given to the holder of the location ticket.

Right of
Minister to
cancel not
affected.

Nothing in this nor in the foregoing article shall deprive the Minister of the right to cancel the sale of lots the purchaser whereof is bound to produce the declaration mentioned in article 1282^a, before the expiration of the delays allowed for producing such declaration, if there be reason for the cancellation under article 1283."

R. S., 1283
replaced.

12. Article 1283 of the Revised Statutes is replaced by the following :

Sale &c., of
lands may be
cancelled in
case of fraud,
error, &c.

" **1283.** 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 permit of occupation, or if the sale, grant, location, lease or permit of occupation have been or be made or issued in error or mistake, or contrary to the law or to the regulations, he shall 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."

R. S., 1284,
replaced.

13. Article 1284 of the Revised Statutes is replaced by the following :

Revocation to
effect a com-
plete forfei-
ture of mon-
eys paid.

1284. The preceding articles shall be interpreted as giving to the cancellation made in virtue thereof the effect of a full and 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 permit of occupation, as well as any expenses or improvements laid out or made on the land or lands therein mentioned ; but the Minister may, nevertheless, grant such compensation or indemnity as he may consider just and equitable."

R. S., 1286,
1287, 1288
replaced.

14. Article 1286 of the Revised Statutes, as replaced by the act 62 Victoria, chapter 20, section 3 ; article 1287, as amended by the act 62 Victoria, chapter 21, section 2 ; and article 1288, as amended by the act 62 Victoria, chapter 21, section 3, are replaced by the following :

Notice of
cancelling of
sale or grant.

" **1286.** No cancellation under article 1283 of any sale, grant, location or permit of occupation of public lands 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.

" 1287. Such notice shall be posted up by the Crown lands' agent, or by any person authorized by him, on the door of the church or chapel or other public building nearest to the lots in question and shall be sent by post-card to the purchaser, grantee, locatee or lessee of any public land or his assigns mentioned in article 1283. Posting of notices, &c.

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

" 1288. During such twenty days it shall be lawful for the owner or occupant of the lot to set forth his reasons against such cancellation." Delay to oppose.

15. Article 1289 of the Revised Statutes, as amended by the act 62 Victoria, chapter 21, section 4, is repealed. R. S., 1289, repealed.

16. Article 1296 of the Revised Statutes is amended by replacing the words and figures: "articles 1054, 1055 and 1058" by the following: "articles 49, 55 and 56." R. S., 1296, amended.

17. Articles 1304 and 1305 of the Revised Statutes are replaced by the following: R. S., 1304 and 1305, replaced.

" 1304. The demand for annulling letters-patent is made by suit in the ordinary form, brought by the aggrieved party as plaintiff, but after having obtained the permission of the Attorney-General to that effect, or by *scire facias* upon information brought by the Attorney-General or any other officer duly authorized for that purpose. Proceedings for annulling letters-patent.

" 1305. Such suit is served upon the person who holds or relies upon such letters-patent, and is heard, tried and determined in the same manner as ordinary suits." Service of action, and proceedings thereon.

18. The following title and article are inserted in the Revised Statutes after article 1321: Paragraph and art. added after art. 1321.

" 2a.—OBLIGATIONS OF SAW-MILL OWNERS AND PERSONS CARRYING ON THE LUMBER BUSINESS, OTHER THAN LICENSE HOLDERS

" 1321a. Every saw-mill owner and every person carrying on the lumber business in this province, other than holders of licenses to cut timber from the Crown, may be required by the Minister or his representative to declare under oath whence they have obtained the timber owned by them or in their possession, and to give all necessary information to prove that such timber is exempt from Crown dues. Declaration by saw-mill owners, &c., as to timber, &c.

The refusal to give such information is a valid reason for the Minister or his representative to seize such timber as having been cut in contravention on Crown lands and to deal with it accordingly." Effect of refusal to give information.

R. S., 1342,
&c., amended
and title
replaced.

19. The first three paragraphs of article 1342 of the Revised Statutes, as amended by the act 52 Victoria, chapter 16, section 2, and by the act 55-56 Victoria, chapter 18, section 3, and the title preceding such article are replaced by the following:

“§ 2.—Timber cut by settlers while clearing land

No timber
dues on tim-
ber cut by set-
tlers.
Proviso.

“1342 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 is cut in good faith, during clearing operations.”

R. S., 1343,
amended.

20. Article 1343 of the Revised Statutes, as replaced by the act 55-56 Victoria, chapter 18, section 4, is amended by adding thereto the following clauses:

Renewal of
licenses.

“Every license renewed within the delay granted by the regulations shall have effect from the first of May preceding.

Settlers upon
lots within
timber limits
to be em-
ployed by
limit holder
to cut timber.

The holder of the license to cut timber shall give to the holder of the location ticket, during the whole time that the rights of the holder of the license exist in respect of the lot, the preference to cut for him the merchantable timber on such lot, at the price which such holder of the license is paying for work of the same character in the locality.”

Title to § 5,
s. 4, c. 6, t.
4, R. S., and
R. S., 1282
and 1342, § 2
repealed.
Title and arts.
added after
R. S. 1343.

21. The title of subsection fifth of section fourth of chapter sixth of title fourth of the Revised Statutes; article 1282 of the Revised Statutes, and paragraph 2 of article 1342 of the Revised Statutes, as replaced by the act 52 Victoria, chapter 16, section 2, are repealed; and the following subsection and articles are inserted in the Revised Statutes after article 1343, as replaced by the act 55-56 Victoria, chapter 18, section 4:

*“§ 2a.—SUGARIES AND FIRE-WOOD AND BUILDING TIMBER LOTS AND TIMBER
CUT IN CLEARING*

Licenses for
sugaries.

“1343a. The Minister may grant licenses conferring the right of working sugaries on Crown lands subject to the conditions determined by the Lieutenant-Governor in Council.

In territory
under license.

Such permits may be granted in a territory under timber license, but they apply to maple only.

Fire-wood
licenses, &c.

“1343b. The Minister may grant licenses to cut, on Crown lands, fire-wood and timber for the construction of houses, buildings and fences to any person needing the same for himself, and not for the purpose of trade, subject to the conditions determined by the Lieutenant-Governor in Council.

The person wishing to obtain a license must make a declaration under oath to the Crown lands' agent, according to Form F. Declaration therefor.

Such license may be renewed yearly on application, if the dues exigible on the timber cut have been paid, and if a statement is given under oath of the operations of the previous year. Renewal of licenses.

"1343c. The Lieutenant-Governor in Council may sell public lands, not under license, for industrial purposes upon the conditions and for the prices he determines. Sale of lands for industrial purposes.

"1343d. Whenever a lot included within a timber license is sold by location ticket, the holder of the license shall be entitled to purchase by preference all merchantable timber cut in clearing by the settler and belonging to him, at the current price paid by such limit holder for timber of a similar kind in the locality." Preferential right of owner of timber.

22. The last paragraph of article 1345 of the Revised Statutes, as amended by the act 62 Victoria, chapter 22, section 1, is replaced by the following: R. S., 1345, amended.

"It shall, however, be permitted for clearing purposes to set fire to and burn the same between the fifteenth of June and first of September and between the fifteenth of November and fifteenth of March." Exception for clearing.

23. Article 1345a of the Revised Statutes, as enacted by the act 62 Victoria, chapter 22, section 2, is replaced by the following: R. S., 1345a, replaced.

"1345a. In the event of continued drought between the fifteenth of June and the first of September, the Minister is empowered to prohibit the setting of fires for the purpose of clearing lands during such drought. Power to prohibit setting fires during drought, &c.

He may also during the prohibited seasons allow the setting fire, after heavy rains, for such clearing." Power to allow the same after heavy rains.

24. Article 1347 of the Revised Statutes is amended by striking out the words: "between the fifteenth of May and the fifteenth of October," in the first and second lines thereof. R. S., 1347, amended.

25. Article 1353 of the Revised Statutes is repealed. R. S., 1353, repealed.

26. Article 1353b of the Revised Statutes, as enacted by the act 58 Victoria, chapter 19, section 2, and amended by the act 62 Victoria, chapter 22, section 3, is repealed. R. S., 1353b, repealed.

R. S., 1353i,
amended.

27. Article 1353i of the Revised Statutes, as enacted by the act 58 Victoria, chapter 19, section 2, is amended by striking out the words: "between the first day of April and the first day of November" in the second and third lines thereof.

Coming into
force.

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

FORM C

(Article 1267dd § 2)

I, of the
of in the county of
declare :

1. I have been recognized as being entitled to a free grant of land under the Twelve Children Act.

2. I choose lot No of the
range of the township of

3. I choose this lot for the purpose of obtaining the payment of the premium of fifty dollars granted me by the Twelve Children Act.

And I have signed,

C. D.

Witness

FORM D

(Article 1267dd § 2.)

I..... of the.....
of.....in the county of.....
declare :

1. That I have been recognized as being entitled to a free grant of one hundred acres of land under the Twelve Children Act.

2. I choose lot No.....of.....range of the township of.....
with the intention of clearing and cultivating the same.

3. In my opinion such lot is fit for cultivation and does not derive its chief value from the timber thereon.

4. I do not apply for the granting of such lot for the sole purpose of trafficking in the timber thereon.

5. I swear that all the above facts are true.

And I have signed.

Sworn before me at.....
this.....day of.
..... 19.
A. B.
Crown Lands' Agent,
Agency.

C. D.

FORM E.

(Article 1269a)

I..... of.....
in the county of.....declare :

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.....
4. In my opinion such lot is fit for cultivation and does not derive its chief value from the timber thereon.
5. I wish to acquire this lot in my name for the purpose of clearing and cultivating it for my own benefit.
6. I already own.....lots acquired from the Crown (*give the numbers, ranges and township*) actually under location ticket or patented (*as the case may be.*)
7. I am not already the owner of a lot acquired from the Crown by myself or through another person who has acquired it from the Crown.
[*The agent will strike out either paragraph 6 or 7 according to circumstances.*]
8. I am not lending my name to any person for the purpose of acquiring such lot, and I have no understanding with anybody whomsoever in that respect.
9. I am not acquiring such lot for the sole purpose of trafficking in the timber ; but with the *bonâ fide* object of settling thereon.
10. I declare that such lot is at present unoccupied and unimproved, except
11. I swear that all the above facts are true.

And I have signed

Sworn before me at.....
.....this.....day
of.....19.....
A. B.
Crown Lands' Agent,
Agency.

C. D.

FORM F

(Article 1343b)

I.....of the.....
 of.....county of.....
 declare :

1. I need firewood (or lumber for constructing my house, buildings and fences, or, as the case may be) and I cannot get any on my own land.

2. I wish to cut such wood on Crown lands, for my own use exclusively and not for trade purposes.

3. The quantity of wood I need this year is.....cords
 (or, in the case of building timber : The quantity of lumber I require is.....feet.)

And I have signed.

Sworn before me at.....	}	C. D.
thisday of.....19 ..		
A. B.,		
Crown Lands' Agent, Agency.		

CHAP. 14

An Act to amend articles 1338, 2972*d*, 2972*e* and 5551 of
 the Revised Statutes

[Assented to 2nd June, 1904]

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

1. Article 1338 of the Revised Statutes is amended by R. S., 1338, inserting, after the words : " timber limits," in the first line, amended.
 the words : " and all persons having timber to float."

2. Article 2972*d* of the Revised Statutes, as enacted by R. S., 2972*d*, the act 54 Victoria, chapter 25, section 1, is amended by amended.
 inserting, after the word : " rivers", in the fourth line, the words : " lakes, ponds".