

## CHAP. 13

## An Act to amend the Quebec Mining Law

[Assented to 28th March, 1901]

**HIS MAJESTY**, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

**1.** Articles 1423, 1424, 1425, and 1426, of the Revised R. S., 1423 Statutes, as enacted by the act 55-56 Victoria, chapter 20, to 1426, are replaced by the following : replaced.

**" 1423.** It has not been, since the 24th July, 1880, and it shall not in future be necessary, in grants of land (not at the same time mining concessions) by the Crown by letters-patent or other title to the same effect, to mention the reserve of the mining rights, which reserve is always deemed to exist. Reserve of mining rights.

**" 1424.** As respects the Crown, the mining rights so tacitly reserved constitute a property under the soil separate and independent from that of the soil that is above it." In what mining rights consist.

**" 1425.** All mines belonging to the Crown under the law or titles of concession in the property under the soil, conceded before the 24th July, 1880, in the townships, with the exception of gold and silver mines, are abandoned by the Crown and belong exclusively to the owner of the surface, provided the latter has not divested himself of his right of preemption preserved by the former provisions of the law. Abandonment by Crown of certain mines in townships.

When the owner of the surface has divested himself of his right of preemption, the person acquiring such right shall have the first and exclusive privilege of mining but only in the mines so abandoned, unless he declines so to do within a delay of six months on being duly put in default on behalf of the surface owner, after a discovery has been made of any ore whatsoever in workable quantities." Right of those who have acquired from surface owner.

**" 1426.** In grants of land made previously to the 24th July, 1880, by simple location ticket, on the usual conditions of settlement for agricultural purposes, for which letters-patent or similar titles have not yet been issued or which have been issued only after the above mentioned date, the gold and silver mines only belong to the Crown, if it be established that, on the 24th July, 1880, the person who has acquired such lands or his assigns had fulfilled all the conditions of the location ticket and that the letters-patent or other titles to the same effect could have then been issued. Rights of the Crown to gold and silver mines.

Rights of the  
Crown in  
other cases.

In the event of the conditions of the location ticket not having been fulfilled on the 24th July, 1880, the mines of all kinds belong to the Crown as if the grant of such lands had been made under the mining law of 1880."

R. S., 1441,  
replaced.

2. Article 1441 of the Revised Statutes, as enacted by the said act, is replaced by the following :

Mining rights  
on private  
lands how  
acquired.

"1441. The mining rights belonging to the Crown in the lands of private individuals may also be acquired in the manner indicated in the foregoing article."

R. S., 1456,  
replaced.

3. Article 1456 of the Revised Statutes, as enacted by the said act, is replaced by the following :

Purchase of  
mine by  
licensees.

"1456. The holders of such license may afterwards purchase such mine, by paying the prices mentioned in article 1444, and by conforming to the present law, and also to the regulations passed in virtue thereof."

R. S., 1465  
and 1466,  
replaced.

4. Articles 1465 and 1466 of the Revised Statutes, as enacted by the said act, are replaced by the following :

Holders of  
mining  
license, &c.,  
may work  
mines thereon  
on obtaining  
consent or  
authority.

"1465. The holder of a mining license or the owner of mining rights on private lands is authorized to work the mines thereon, with the consent of the private person, or on his refusal by compelling him thereto in the manner provided by the following articles.

Notice to be  
given to  
owner of land  
and form  
thereof.

"1466. Every holder of a mining license or every owner of mining rights on private lands or their representatives who wish to mine on the land of such private person, must first cause to be served a notice in writing according to the form of schedules C or Ca respectively of this law, stating :

1. That they intend to mine on the land of such private person ;

2. That they are ready to pay the damages arising from such mining operations to be assessed by mutual agreement."

R. S., 1498,  
replaced.

5. Article 1498 of the Revised Statutes, as enacted by the said act, is replaced by the following :

Annual state-  
ment to be  
furnished by  
owner of  
mining rights  
of operations  
for the pre-  
vious year.

"1498. Every owner of mining rights, whether he mines himself or by others, and every person working mines must, during the first ten days of the month of January in each year, furnish a sworn statement of his operations for the past year, indicating the quantity of mineral extracted, its value at the mine, and the number of workmen employed, as well as a list of the names of persons killed or injured in working the mines."

6. Articles 1427, 1428, 1429, 1430, 1432, 1433, 1434, 1469 and 1470 of the Revised Statutes, as enacted by the said act, are repealed.

R. S., 1427  
to 1430, 1432  
to 1434,  
1469-1470,  
repealed.

7. Schedule C of the said act is replaced by the following :

55-56 V..c. 20,  
schedule C,  
replaced.

### “ SCHEDULE C

FORM OF NOTICE TO WORK UPON PRIVATE LANDS UNDER ARTICLE  
1466, UNDER A LICENSE GRANTED IN ACCORDANCE  
WITH ARTICLE 1461

Province of Quebec. } Mining Division of

I (*or we, as the case may be*) residing in the county of.....  
in the district of..... (*or having made election of*  
domicile at.....) in the Mining Division of.....  
hereby give you notice :

1. That I hold a mining license to mine for (*here indicate the mineral*) on your land (*description*) and that I intend to mine for the said mineral.

2. That I am ready to enter into any possible amicable arrangement with you to enable me so to mine.

Therefore, within one month from the service of this notice be good enough to come to an amicable understanding with me as aforesaid.

(*Signature*)

C. D.,  
Petitioner.

(*Countersigned*)

A. B.,  
Inspector of Mining Division of.....

### “ SCHEDULE Ca

FORM OF NOTICE GIVEN BY AN OWNER OF MINING RIGHTS UPON  
PRIVATE LANDS TO MINE UNDER ARTICLE 1466

Province of Quebec. } Mining Division of.....

I (*or we, as the case may be*) residing in the county of....  
in the district of (*or having made election of domicile at*  
.....) in the Mining Division of..... hereby give  
you notice :

1. That I am the owner (or hold the rights of the owner) of the mining rights (*indicate the kind thereof*) on your land, (*description*) and that I intend to mine thereon for (*here indicate the mineral.*)

2. That I am ready to enter into any possible amicable arrangement with you to enable me so to mine.

Therefore, within one month from the service of this notice, be good enough to come to an amicable understanding with me as aforesaid.

(Signature) C. D.  
Petitioner.

(Countersigned) A. B.  
Inspector of the Mining Division of.....”

55-56 V., c.  
20, schedule  
E, replaced.

8. Schedule E of the said Act is replaced by the following :

#### “SCHEDULE E

FORM OF ANSWER BY A PRIVATE PERSON TO A NOTICE REQUIRING THE  
RIGHT TO MINE ON HIS LANDS, ARTICLES 1467 AND 1471.

Province of Quebec. } Mining Division of.....

I (or we, *as the case may be*) in answer to your notice dated the.....day of the month of.....19..... declare that I desire to enter into an amicable arrangement with you respecting the mining operations which you wish to carry on upon my land (*or if the private person is bound to name an arbitrator, that I have appointed M..... of the parish of.....in the county of..... district of.....to act as my arbitrator in the arbitration required by you,*

Dated at.....this..... day of the month of.....19....

(Signature) E. F.  
Owner.

(Countersigned) A. B.

Inspector of the Mining Division of.....”

Coming into  
force.

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

## C H A P. 14

## An Act to amend the law respecting Agriculture

[Assented to 28th March, 1901]

**H**IS MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

**1.** Article 1594 of the Revised Statutes is amended : R. S., 1594, amended.

(a) By replacing the words : " twenty-three " in the second line, by the words : " twenty-four " ;

(b) By replacing the words : " and the superintendent of public instruction," in the fifth and sixth lines, by the words : " the superintendent of public instruction and the assistant commissioner of agriculture."

**2.** The following article is added after article 1615*i* of the Revised Statutes, as enacted by the act 52 Victoria, chapter 20, section 1 : Art. added after R. S., 1615 *i*.

" **1615*ii*.** Laureates of ' distinguished merit,' ' great merit' and ' merit' may in place of the medal wear in the buttonhole a ribbon or rosette of the description fixed by the Lieutenant-Governor in Council." Ribbon in buttonhole may be worn.

**3.** Article 1615 *j* of the Revised Statutes, as enacted by the act 52 Victoria, chapter 20, section 1, and amended by the act 58 Victoria, chapter 24, section 2, is replaced as follows : R. S., 1615 *j*, replaced.

" **1615 *j*.** Laureates of distinguished merit are excluded from the further competitions provided for by paragraph 1 of this section. Certain laureates precluded from competition.

For the purposes of the distinctions authorized by this article, they form two classes, one composed of those among them who draw the chief means of their support from their agricultural labors, the other of those who are not agriculturists by profession. Classes into which laureates of distinguished merit are divided.

In each of these classes, the person who, in any of the divisions of the Province erected under article 1615*a*, has most distinguished himself, during the five years, next after the date when he received the diploma of distinguished merit, in maintaining the perfection in cultivation by which he earned his honorific distinction, may, upon the report of the judges to that effect, and upon the recommendation of the Council of Agriculture approved by the Commissioner, receive, if he belongs to the class firstly described, a gold medal with an extra diploma certifying to the facts, and the Distinctions, &c., that may be granted to them.

words 'distinguished exceptional merit,' and if he belongs to the class secondly described, an extra diploma certifying to the facts and the words 'distinguished special merit'."

Art. added  
after R. S.,  
1615/.

**4.** The following article is added after article 1615/ of the Revised Statutes, as enacted by the act 52 Victoria, chapter 20, section 1 :

Diplomas,  
&c., may be  
granted to  
residents out-  
side of  
Canada.

"**1615m.** It is also lawful for the Lieutenant-Governor in Council to grant diplomas and medals to any person domiciled outside of Canada who has rendered services to agriculture, either in farming or in the industries connected therewith, in the public service or in scientific missions or by works or publications on agriculture.

Commissioner  
may wear  
highest  
decoration.

The Commissioner of Agriculture for the Province of Quebec is *de jure* Laureate of Agricultural Merit, and he has consequently the right to wear the highest decoration."

Coming into  
force.

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

## CHAP. 15

An Act to amend the law respecting the Courts in Gaspé

[Assented to 28th March, 1901]

**HIS MAJESTY**, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Title to § 13,  
s. 4, c. 2, t. 6,  
R. S., replac-  
ed.

**1.** The title to paragraph thirteenth of section fourth of chapter second of title sixth of the Revised Statutes is replaced by the following :

"§ 13.—*Provisions respecting the North Shore between Betsiamites and Blanc Sablon, and the Island of Anticosti.*"

R. S., 2407,  
amended.

**2.** Article 2407 of the Revised Statutes is amended by replacing the word : "Moisie," in the sixth line, by the word : "Betsiamites."

R. S., 2407a  
amended.

**3.** The following paragraph is added to article 2407a of the Revised Statutes, as enacted by the act 52 Victoria, chapter 29, section 1 :

Services by  
special con-  
stables.

"2. The special constables appointed by the district magistrate may also make, under their oath of office, any such services for the district magistrate's court."

Coming into  
force.

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