

## CAP. XXVII.

An Act to amend the law respecting the protection of settlers and the creation of homesteads.

[Assented to 9th January, 1897.]

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

R. S., 1743 to 1745, replaced.

**I.** Articles 1743, 1744 and 1745 of the Revised Statutes are replaced by the following :

Lands held under certain instruments cannot be hypothecated and are not liable to seizure.

“**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 Crown Lands 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, nor can the buildings, constructions and improvements thereon, including the mills which the settler makes use of for his own proper service, notwithstanding articles 1980 and 1981 of the Civil Code, and articles 553 and 554 of the Code of Civil Procedure.

Buildings, &c., thereon.

Settlers under letters-patent to hold their land as a Homestead.

“**1744.** Every settler upon public lands in the Province, who has received letters-patent for such land, shall hold such land, provided it does not exceed 200 acres in extent, and if it does so, then 200 acres thereof, together with the buildings, constructions and improvements thereon, including the mills employed of by such settler for his own use, as a ‘Homestead.’

Homestead not liable to seizure.

No such homestead shall, during the life of the original grantee, of his widow and of his, her or their children and descendants in the direct line, be liable to be seized and sold for any debt whatsoever.

May be alienated.

The proprietor of a homestead may alienate the same either by gratuitous or onerous title.

Consent required in certain event.

However, if married, the notarial consent of his consort is required, and, if the latter is dead, and the proprietor has minor children, the consent of a family council, homologated by the Superior Court of the district in which the homestead is situated, or by a judge of that court.

Certain moveables exempt from seizure

“**1745.** Without prejudice to articles 556 and following of the Code of Civil Procedure, the moveables and effects

hereinafter enumerated, whether they be in the possession of a *bona fide* settler, as described in article 1743, or in the possession of a settler as described in article 1744, or of his widow, or of his or their children or descendants in a direct line, shall, so long as the party seized upon is owner or proprietor of the land mentioned in the said articles, be exempt from seizure and execution for any debt whatsoever, to wit :

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, fifteen other head of horned cattle, twenty-five sheep, ten 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 the buildings, improvements and the mills above-mentioned 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 and 6 Proviso. shall not be exempted from seizure and execution for the purchase price thereof."

**2.** Article 1746 of the said Revised Statutes is repealed. R. S., 1746, repealed.

**3.** Schedules A and B, following article 1748 of the said Revised Statutes, are repealed. Schedules A and B, after R. S., 1748, repealed.

**4.** Public lands, already granted to settlers by letters-patent, or by instruments in the form of location tickets, licenses of occupation, certificates of sale or other titles of a similar nature, shall not be subject to the application of this act, but shall continue to be governed, for the matters to Act not to apply to certain persons.

which the provisions repealed or amended by this act refer, as if this act had not been passed.

Coming into force.

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

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C A P . X X V I I I .

An Act to encourage technical education.

[Assented to 9th January, 1897.]

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

Encouragement of technical education, &c., by councils of certain municipalities by by-law.

**1.** The council of any city, town or village municipality may, by by-law, provide for the encouragement of technical education for the benefit of mechanics and the working classes generally :

(a) By establishing technical schools in the municipality, and giving bonuses and prizes to be competed for by the pupils thereof ;

(b) By granting money to the schools established under article 1698 of the Revised Statutes, and giving bonuses and prizes, to be competed for by the pupils thereof ;

(c) By granting exemptions from taxation to the successful pupils in any such schools ;

(d) By otherwise assisting the progress and efficiency of such schools in any manner that may be deemed advisable.

Approval of such by-law required.

**2.** All by-laws passed for such purpose shall, however, before coming into force, be approved by the Lieutenant-Governor in Council.

Control of assisted schools.

**2.** All such schools shall be under the control of the Council of Arts and Manufactures.

Repeal of inconsistent provisions.

**3.** All acts and parts of acts inconsistent with the provisions of this act are repealed.

Coming into force.

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

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