

CAP. XVIII.

An Act to amend the law respecting woods and forests on public lands.

[Assented to 12th January, 1895.]

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

1. Article 1320 of the Revised Statutes is replaced by the following : R. S., 1320, replaced.

“ 1320. If any timber, so seized and detained for non-payment of Crown dues, remain for two months in the custody of the agent or the person appointed to guard the same, without the dues and expenses being paid, the Commissioner may order a sale of the said timber to be made, after a notice of fifteen days has been given at the place where the seizure was effected.” Sale of timber seized for non-payment of dues.

2. Article 1324 of the said Statutes, is amended by replacing the words : “ from competent authority,” at the end thereof, by the words : “ in the manner prescribed by articles 1328 and 1329.” R. S., 1324, amended.

3. Article 1328 of the said Statutes is replaced by the following : R. S., 1328, replaced.

“ 1328. All timber seized shall be deemed to be condemned, unless the person, upon whom it was seized or the owner thereof, within fifteen days of the seizure, gives notice to the Commissioner that he claims the whole or part thereof, and that the said timber so seized, or part thereof, is not liable to any Crown dues. Timber seized to be condemned if not claimed within a certain time.

The notice shall be accompanied by an affidavit taken before a justice of the peace, or any other person authorized to receive affidavits under article 1253, attesting the truth of the facts alleged by the claimant. Affidavit in support of claim.

In default of such notice, the Commissioner may order the seizing officer to proceed with the sale of the timber seized, after a previous notice of fifteen days given in the place where the seizure was effected.” Sale in default of claim being produced.

4. Article 1329 of the said Statutes, is replaced by the following : R. S., 1329, replaced.

“ 1329. If, during the fifteen days after the notice given under the preceding article, the Commissioner has not given up to the claimant the timber seized, the latter shall, within eight days, make an opposition to the seizure in the Procedure by claimant after notice.

same manner as oppositions to annul and to withdraw are made under the Code of Civil Procedure.

Reception of opposition by judge.

The opposition shall further be previously received by a judge having jurisdiction in the district in which the timber has been seized.

Order to be made by judge.

The judge shall, if he receives it, make on the opposition an order upon the seizing officer to return the proceedings on the seizure before the court having jurisdiction or any judge of such court, within eight days after service to be made upon him of such opposition accompanied by the judge's order.

Deposit to be made with opposition.

The opposition shall not be received, unless a deposit of one hundred dollars shall have been made by the opposant as security for costs, in the office of the court to which the judge belongs, who is competent to make the order mentioned in the preceding clause.

Opposant may obtain timber by giving security.

The opposant may during the proceedings, obtain possession of the timber seized, upon giving two good and sufficient sureties, previously approved by the Commissioner, to pay the value of the timber, if it should be condemned.

How bond to be made.

The bond shall be taken in the name of the Commissioner of Crown Lands, to Her Majesty's use, and shall be delivered up to and kept by the Commissioner.

If timber condemned, payment of value, &c.

If the timber be condemned, the value thereof is forthwith paid to the Commissioner or agent, otherwise such bond shall remain in force.

Procedure to be summary.

The opposition is heard and decided, in term or in vacation, according to the ordinary practice of the court in summary matters."

R. S., 1335, replaced.

5. Article 1335 of the said Statutes is replaced by the following :

Time, place and manner of sale.

" ~~1335~~. Sales under the preceding article, which shall be conducted by any officer of the Department of Crown Lands, or by any other person, who shall, to that end, receive instructions from the Commissioner, are held at the place and in the manner specified in the *Quebec Official Gazette* and the newspapers to that end specified by the Commissioner, which notice shall be published for at least thirty days before the sale.

Publication of notice of sale.

For how long.

Short notice in certain cases.

However, in the case of limits of small extent or of small value, the Upper and Lower Ottawa agencies excepted, and when it is in the public interest to expedite the sale, the Commissioner may sell, after notice of fifteen days, published as prescribed in the preceding clause."

Coming into force.

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