

CAP. XX.

An Act to amend and consolidate the Mining Law.

[Assented to 24th June, 1892.]

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

R. S. Q.,
title fourth,
chapter sixth,
section ninth,
and 54 V.,
c. 15, replaced.

1. Section ninth of chapter sixth of title fourth of the Revised Statutes of the Province of Quebec, as replaced by the act 54 Victoria, chapter 15, is again replaced so as to read as follows :

SECTION IX.

MINES.

§ 1.—*Declaratory and Interpretative.*

- Citation of act and interpretation: "1421. In the construction and application of this section, which may be cited as the "Quebec Mining Law," and of all orders in council or regulations under it, if not inconsistent with the context or subject matter, the following terms have the respective meanings hereby assigned to them, that is to say :
- "To mine" and "mining;" 1. The words "to mine" and "mining" mean and designate any mode or method of working whatsoever, whereby the soil or earth, or any rock or stone may be disturbed, removed, carted, carried, washed, sifted, smelted, refined, crushed, or otherwise dealt with, for the purpose of obtaining any minerals ;
- "Mines" and "minerals;" 2. The words "mines" and "minerals" mean and include all quarries of stone of whatever kind, and all stones or rocks, earth or soil, whether alluvial or not, in which are found gold, silver, copper, phosphate of lime, asbestos, or any mineral substance having an appreciable value ;
- "Mining division;" 3. The words "mining division" mean and designate any tract of country erected into a "mining division" under this law ;
- "Public lands" and "Crown lands;" 4. The words "public lands" or "Crown Lands" mean and designate all Crown Lands or Ordnance Lands transferred to the Province, Clergy lands or lands of the Jesuits' Estates, Crown Domain or Seigniory of Lauzon, which have not been alienated by the Crown ;
- "Private lands;" 5. The words "private lands" designate all lands conceded or otherwise alienated by the Crown, other than mining concessions or lands conceded by the Crown as such, or which shall be hereafter conceded ;
- "Private person;" 6. The words "private person" mean any person who possesses a lot of land, as proprietor or usufructuary, upon which mines or minerals exist or are supposed to exist ;

7. The word: "licensee," designates any person, firm "Licensee;" or company, who may have obtained a license under the present law;

8. The words: "party wall or passage," designate a "Party wall or passage;" bank of earth or rock left between two excavations;

9. The words: "mill or machine license," mean a permit "Mill or machine license;" to use machinery for the purpose of extracting or preparing minerals;

10. The words: "licensed mills or machines" designate "Licensed mills or machines;" the mills or machines so licensed for extracting gold or silver from stone or quartz; and the words: "licensed mill "Licensed mill or machine owner;" or machine owner" designate the person to whom any such license has been granted;

11. The words: "superior metals" include the ores of "Superior metals;" gold, silver, lead, copper, nickel, and also graphite, asbestos, mica, and phosphate of lime; and the words: "inferior metals," mean and include all the minerals and ores which "Inferior metals;" are not included in the preceding definition and which are of appreciable value;

12. The words: "mining concession," mean any tract of "Mining concession;" country sold for the purpose of mining;

13. The words: "underground mining concession," mean "Underground mining concession;" any underground mining property sold for the purpose of mining under the present law;

14. The word: "Commissioner," when used alone, "Commissioner;" means the Commissioner of Crown Lands;

15. All measurements and distances under this section are made and taken to be according to English measurement. English measure the 43-44 V., c. 12, ss. 1 and 164; 51-52 V., c. 15, s. 9, and distance, &c. R. S. Q., 1421.

§ 2.—*Privileges of Aliens and Reserve of Mining Rights.*

"1422. Aliens, as well as British subjects, may enjoy the Aliens. benefit of this law, by complying with its provisions and submitting thereto. 43-44 V., c. 12, s. 2, and R. S. Q., 1422.

"1423. It shall not be necessary, in any letters-patent for Reserve of mining rights. lands granted for agricultural purposes, to mention the reserve of mining rights, which reserve is always considered as existing under the provisions of this law.

As respects the Crown, such mining rights, so tacitly reserved, shall be property separate from the soil covering such mines and minerals comprised in such rights, and shall constitute a property under the soil which shall also be public property independent from that of the soil which is above it, unless the proprietor of the surface or superficial property have purchased it from the Crown as a mining

In what it consists, as respects the Crown.

If mining rights and property belong to the same person.

concession or otherwise, in which case the properties, superficial and underground, constitute only one private property. 43-44 V., c. 12, s. 3; 47 V., c. 22, s. 1, and R. S. Q., 1423 and 1424.

§ 3.—*Exceptional Provisions.*

Effect of the sale of mining rights by owners, who acquired before tenth June, 1884.

“**1424.** Whenever a person who has become owner of the soil and of the property under the soil, under any title, before the tenth of June, 1884, sells, hypothecates, leases or affects the mining rights in such property to another person under article 2099 of the Civil Code of Lower Canada, such soil and the property under the soil again become two properties perfectly distinct and independent from each other, for all lawful purposes, as they were when in the possession of the Crown, so that the sale, judicial or otherwise, of one of these properties, does not in any way affect the other.

Rights acquired during confusion of property.

2. It is, however, well understood that the rights acquired over such property, during the confusion in the ownership of the soil and of the property under the soil, are in no wise affected by the subsequent sale of mining rights and the division of the property in the soil and of that under the soil arising therefrom; only that the owner of the property under the soil shall be sued and made a party to the suit in the same manner as if he had purchased a part or portion of the soil. 47 V., c. 22, s. 1, and R. S. Q., 1424.

Additional price for purchase of mining rights on property sold, previous to 24th July, 1880, for agricultural purposes, with reserve of mining rights.

“**1425.** Any person who, previous to the 24th July, 1880, obtained by letters-patent, for agricultural purposes, but with reservation by the Government of the mining rights, any lot whatever, forming part of the public lands of this Province, may, if he or his legal representative discovers and wishes to work a mine, purchase the mining rights so reserved by the Government, by paying in cash to the Commissioner, over and above the price already paid for said lot, a sufficient additional amount to make up the sum required by article 1444. 43-44 V., c. 12, s. 4, and R. S. Q., 1425.

Additional price required to mine for gold or silver on property sold for agricultural purposes, previous to 24th July, 1880, without reserve of mining rights.

“**1426.** Every proprietor of land sold for agricultural purposes, by letters-patent, previous to the 24th July, 1880, but without any reservation by the Government of the mining rights, or the legal representative of such proprietor who discovers upon such land a gold or silver mine, may work the same, by paying to the Commissioner, over and above the price already paid for such land, a sufficient additional amount to make up the sum required by article 1444. 43-44 V., c. 12, s. 5, and R. S. Q., 1426.

“ **1427.** Every proprietor of land sold by letters-patent for agricultural purposes since the 24th July, 1880, or which may be sold in the future, but without any reservation by the Government of the mining rights, or the legal representative of such proprietor who discovers a mine on such land, may work the same by paying to the Commissioner, over and above the price already paid for such land, a sufficient additional amount to make up the sum required by article 1444.

Additional price required to mine on lands sold for agricultural purposes, since 24th July, 1880, without reserve of mining rights.

“ **1428.** In seigniories in which the Crown still holds mining rights, any *consitaire* or his legal representative who discovers a mine upon his land, may work the same, by paying to the Commissioner, the sum required by article 1444, less fifty cents per acre, for the whole of his land, or for at least one hundred acres, at one and the same time ;

Price required to be paid by *consitaires* for mining in seigniories in which Crown holds mining rights.

2. The seignior or proprietor of the unconceded portion of a seignior, if he or his legal representative discovers a mine, and wishes to work the same, may do so, by paying to the Commissioner the sum required by article 1444, for the whole extent of such unconceded part of the said seignior, as limited by the following paragraph :

Price to be paid by seignior or owner of unconceded portion of a seignior to mine.

In all cases, no such proprietor, in virtue of letters-patent, *consitaire* or seignior, can thus obtain mining rights on a larger extent than that fixed by article 1443. 43-44 V., c. 12, s. 6, and R. S. Q., 1427.

Extent of mining land to be so acquired.

“ **1429.** If, on any lot of land granted by letters-patent, since the ninth March, one thousand eight hundred and seventy-eight, or which shall hereafter be granted, on the usual terms and conditions, for agricultural purposes, a mine of phosphate of lime has been found to exist, any purchaser of such lot or his legal representative, shall, if he wishes to work such mine, pay in cash, to the Commissioner, a sufficient additional amount to make up the sum required by article 1444. 43-44 V., c. 12, s. 7, and R. S. Q., 1428.

Additional price for lands conceded since 9th March, 1878, for agricultural purposes or to be so hereafter, to purchase right to mine for phosphate of lime.

“ **1430.** The grantees of lands under gratuitous title, or their legal representatives, are subject to the provisions of articles 1425, 1426, 1427, 1428 and 1429 ; 43-44 V., c. 12, s. 9, and R. S. Q., 1430.

Grantees under gratuitous title, &c., to be subject to articles 1425 to 1429.

“ **1431.** Every person, who has obtained or who may hereafter obtain, by letters-patent, for the purpose of mining for inferior metals, one or more lots forming part of the public lands of this Province, shall, if he or his legal representative, discovers and wishes to work, or cause to be worked, any mine of superior metals, pay to the Commissioner, over and above the price already paid for such mining land, a suffi-

Additional price to mine for superior metals on lands obtained for mining for inferior metals.

cient additional amount to make up the sum required by article 1444 for the purchase of mining lands containing superior metals; provided always, that the sum already paid, does not reach the latter amount. 43-44 V., c. 12, s. 10, and R. S. Q., 1431.

Price required to be paid by settlers under location ticket to mine on lands acquired for agricultural purposes.

“**1432.** Every person who has obtained, since the 24th of July, 1880, or who may obtain in the future, by location ticket only, a lot of land from the Crown, on the usual terms and conditions, for agricultural purposes, and has not fulfilled or does not fulfil the required conditions, may, if he or his legal representatives discovers upon such land a mine of any kind and wishes to work the same, work such mine, on paying to the Commissioner an additional amount as mentioned in articles 1425, 1426, 1427, 1428 and 1429; otherwise the title to the property so made may be cancelled by the Commissioner. 43-44 V., c. 12, s. 12, and R. S. Q., 1433.

Receipt required in cases of preceding articles.

“**1433.** Whenever an additional sum is paid under the preceding articles, a receipt establishing such payment shall be endorsed upon such document or letters-patent, by which the land has been so granted, and signed by the Commissioner or his assistant, or other person duly authorized for that purpose, and afterwards registered in the office of the Provincial Registrar, with a reference to the document to which such receipt relates. 43-44 V., c. 12, s. 11, and R. S. Q., 1432.

Power of Lieutenant-Governor to increase price

“**1434.** The Lieutenant-Governor in Council has, in virtue of the provisions of article 1580, power to increase the price per acre of the lands mentioned in articles 1425, 1426, 1427, 1428, 1429 and 1432; and all persons desirous of availing themselves of the provisions of the said last mentioned articles must pay the increased prices fixed by order in council, under the provisions of the said article 1580. 49-50 V., c. 30, s. 1, and R. S. Q., 1434.

§ 4.—*Royalty.*

Royalty may be exacted.

“**1435.** The Lieutenant-Governor in Council may, if he thinks proper, and in accordance with the conditions and formalities which he may deem advisable, claim, at any time, the royalty due to the Crown upon any land already sold, conceded or otherwise alienated by the Crown or which may be hereafter sold, but only five years after the date of such alienation.

When.

In what it consists.

Such royalty, unless otherwise determined by letters-patent or other title from the Crown, is fixed by the Lieutenant-Governor in Council, in accordance with the report of

the mining inspector, and taking as a basis the value, at the mine, of the mineral extracted, after deducting the costs of the extracting, and it must not exceed three per cent of such value. 43-44 V., c. 12, s. 13, and R. S. Q., 1435.

§ 5.—*Mining Concessions, their form and dimensions.*

“**1436.** Mining concessions are divided into three classes, and each of them respectively, in addition to the usual allowance of five per cent, for highways, in each case, shall be of the following form and dimensions, viz :

1. In unsurveyed territory :

The first class contains 400 acres :—52 chains in width, by 80 chains and 80 links in depth ;

The second class contains 200 acres :—26 chains in width, by 80 chains and 80 links in depth ;

The third class contains 100 acres :—13 chains in width, by 80 chains and 80 links in depth.

2. In surveyed townships :

The three aforesaid classes respectively comprise : one, two and four lots, as regularly divided, or more or less, as the case may be, if such lots, being of irregular form, contain more or less than one hundred acres each, in superficies. 43-44 V., c. 12, s. 25, and R. S. Q., 1453.

“**1437.** In townships which are merely projected, the side lines of such concessions must be parallel to the side lines of the said townships, and the front and rear lines must coincide with the range lines as projected.

2. In unsurveyed territory, the direction of the exterior lines of all mining concessions shall be determined by the Commissioner. 43-44 V., c. 12, ss. 26 and 27, and R. S. Q., 1454 and 1455.

“**1438.** When mining concessions, in unsurveyed territory, border upon lakes or rivers, they shall front on such lakes or rivers and be subject, in all cases, to the public rights in navigable and floatable waters.

Further, along such lakes or rivers, there is reserved a right of way, one half chain in breadth, which shall be comprised in the allowance of five per cent, specified in article 1436. 43-44 V., c. 12, s. 30, and R. S. Q., 1458.

“**1439.** All mining concessions, comprised in an unsurveyed territory, shall be surveyed by a provincial land surveyor, acting under the instructions of the Department of Crown Lands, and be connected with some known point in previous surveys, so as to be laid down upon the office maps of such territory, of record in the Department.

Division of mining concessions:

In unsurveyed territory ;

In surveyed townships.

Direction of lines in projected townships;

In unsurveyed territory.

Fronting of concessions in unsurveyed territory bordering on lakes. &c.

Reserve along such rivers and lakes.

Mining concessions in unsurveyed territory by whom to be surveyed and position how to be established.

At whose expense such surveys are to be made, and plans, &c., to be furnished with application to purchase.

Such surveys are made at the cost of the applicants, who are required to furnish, with their application to purchase, the plan of the surveyor establishing the position and dimensions of the concessions they desire to purchase, with the field-notes and *procès-verbaux* of the operations; the whole in conformity with the present law and to the satisfaction of the Commissioner. 43-44 V., c. 12, s. 28, and R. S. Q., 1456.

§ 6.—*Acquisition of Mining Lands.—Duties of proprietors who sell their rights.*

Acquisition of lands containing mines or ores from the Crown:
By purchase:
Under license.

“ 1440. All lands, supposed to contain mines or ores, belonging to the Crown, may be acquired from the Commissioner of Crown Lands:

1. As a mining concession by purchase, or
2. Be occupied and worked under a mining license. 43-44 V., c. 12, s. 21, and R. S. Q. 1439.

Acquisition by owner of soil.

“ 1441. The mining rights belonging to the Crown, in the property under the soil, under article 1423, may be acquired from the Commissioner in the manner indicated in the preceding article, by the proprietor of the soil, who has a preferential right thereto.

Application of certain articles, if owner of soil refuses to mine.

2. Articles 1466 and following, relating to mining on private lands, apply equally to property under the soil, referred to in this article, when the owner of the soil refuses to mine. 47 V., c. 22, s. 3, and R. S. Q., 1440, 1443, 1444 and 1445.

Notice to be given to Commissioner when mining land is sold, &c., when, and under what penalties.

“ 1442. Every owner of mining land is bound, whenever he sells, transfers or alienates his rights in such land to give notice thereof to the Commissioner, within thirty days of such sale, transfer or alienation, under the penalties mentioned in article 1527.

§ 7.—*Price of Mining Concessions.—Reserves of the right of cutting timber thereon.*

I.—PRICE OF MINING CONCESSIONS.

Size of concessions to be sold to one person.
Proviso.

“ 1443. No sales of mining concessions, containing more than four hundred acres in superficies, shall be made to the same person.

The Lieutenant-Governor in Council has, nevertheless, the right to grant to any person, upon sufficient proof of his capital and resources, a larger extent of territory, but not, in any case, to exceed one thousand acres. 43-44 V., c. 12, s. 24, and R. S. Q., 1451 and 1452.

1444. With such applications to purchase and the production of the documents mentioned in this law, applicants are required to pay to the Department of Crown Lands the entire price of the mining concessions which they desire to purchase at the following rates :

1. If for the mining of superior metals on lands situated more than twelve miles from a railway in operation, five dollars an acre, and if on lands situated less than twelve miles from such railway, ten dollars an acre ;

2. If for the mining of inferior metals on lands situated more than twelve miles from a railway in operation, two dollars an acre, and if on lands situated less than twelve miles from such railway, four dollars an acre. 43-44 V., c. 12, s. 29, and R. S. Q., 1457.

1445. The Commissioner may, from time to time, and as often as circumstances require, offer and put up for sale such number of mining concessions as he may deem proper.

This sale is made by public auction, after notice duly given and published, during at least four weeks, in the Quebec Official Gazette, and at least in one French and one English newspaper, if there be any published in these two languages, in each of the cities of Montreal, Quebec and Ottawa.

At each such sale, the upset price or first bid is fixed and determined by the Commissioner, but shall not, in any case, be less than the total amount determined in the preceding article ; and the entire price of adjudication is payable in cash, under penalty of the absolute nullity of the sale. 43-44 V., c. 12, s. 158, and R. S. Q., 1580.

1446. Unless stipulated to the contrary in the letters-patent :

1. In concessions for the mining of superior metals, the sale of such concession shall give to the purchaser the right to mine for all metals which may be found therein ;

2. In concessions for the mining of inferior metals, the sale of such concession shall give to the purchaser the right to mine for inferior metals only.

1447. In townships duly erected, as well as in unsurveyed territory, no lands shall be sold under this law, unless there be some real indications of the presence of minerals ; and the proof of such indications must be shown by the exhibition of specimens found upon or in such land, accompanied by affidavits of competent and credible persons, establishing that the specimens exhibited came therefrom. 43-44 V., c. 12, s. 31, and R. S. Q., 1459.

II.—RESERVE OF RIGHT OF CUTTING TIMBER ON MINING CONCESSIONS.

Mining concessions are subject to rights of limit-holders to cut certain timber.

“**1448.** The holders of licenses to cut timber have, under such license, the privilege of cutting on all mining concessions granted, within their limits, pine timber measuring twelve or more inches in diameter, on the stump, and spruce timber measuring nine or more inches in diameter on the stump ;

Expiration of privilege after certain time.

This privilege shall, however, finally expire after a period of three years from the date of the issue of the deed of sale. 43-44 V., c. 12, s. 32, and R. S. Q., 1460.

Pine and spruce to be reserved in letters-patent for mining concessions. Cutting of such timber under permit from the Commissioner.

“**1449.** The letters-patent for Crown Lands, sold as mining concessions, within the meaning of this law, shall contain a clause reserving all trees of pine or spruce timber, in favor of the Crown ; and, subject to the provisions of the preceding article, the Commissioner may grant, to any person whomsoever, the right of entering upon the said lands, and cutting and taking therefrom, according to the regulations, the trees so reserved, and making and keeping in repair, across the said mining concessions, all roads necessary for such operations. 43-44 V., c. 12, s. 33, and R. S. Q., 1461.

Rights of owners of mining concessions to cut, &c., for their own use, timber for building purposes.

“**1450.** The purchasers or proprietors of such mining concessions have, in the case of the two preceding articles, the right to cut and take away, for their own use, such trees as they may require for the construction of the buildings and dependencies necessary for their operations. 43-44 V., c. 12, s. 33, and R. S. Q., 1461.

§ 8.—*Cancelling of sales of Mining Lands.*

Condition of purchase of mining lands that mining is to be begun within two years, and certain sum to be spent.

“**1451.** Mining lands shall be sold on the express condition that the purchaser shall commence *bonâ fide* the mining of the minerals therein contained, within two years from the date of purchase, and that, during such delay, the purchaser shall, in such working, spend a sum of not less than five hundred dollars, if for superior metals, and of not less than two hundred dollars, if for inferior metals.

Cancellation of sale if conditions not fulfilled.

The Commissioner may cancel the sale of such mining land in default of the performance of the conditions herein mentioned, according to the mode followed for the cancellation of sales of public lands.

When letters-patent to issue.

Letters-patent shall be issued only on satisfactory proof that the foregoing conditions have been fulfilled. 43-44 V., c. 12, s. 34, and R. S. Q., 1462.

§ 9.—*Licenses.*

I.—EXPLORATION AND PROSPECTING LICENSES.

Prospecting.

“**1452.** Any person, firm or company may, without a license, prospect and search for mines or ores upon public lands, not already occupied as mining concessions or otherwise.

When any such person, firm or company, may desire to enjoy the benefit of such license, he shall obtain from the Commissioner such license for such purpose, on conforming to the provisions of the following article.

“ **1453.** The application for an exploration and prospecting license shall contain as exact a description as possible of the land required, to the satisfaction of the Commissioner, and shall be accompanied by the following fees, as the case may be :

1. If the mine is upon private lands, two dollars for every hundred acres ; every less number of acres to count as one hundred ;

2. If the mine is upon Crown lands ;

a. In surveyed territory, five dollars for every hundred acres ; every less number of acres to count as one hundred ;

b. In unsurveyed territory, five dollars for each square mile.

Such license is valid for three months and may be renewed. 43-44 V., c. 12, s. 22 ; 47 V., c. 22, ss. 4 and 5, and R. S. Q., 1446 and 1447.

“ **1454.** The applicant for an exploration and prospecting license shall furnish good and sufficient security, subject to the approval of the Commissioner, to answer for all losses and damages that he may cause to the proprietor of the soil in making such searches or explorations. 47 V., c. 22, s. 5, and R. S. Q., 1448.

“ **1455.** Whoever, under such license, searches and prospects as aforesaid, shall make a report to the Commissioner, or to the inspector, of the result of his operations. 47 V., c. 22, s. 5, and R. S. Q., 1449.

“ **1456.** The holder 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 ; the whole, however, subject to the right of preference granted to the proprietor of the soil, to be himself, to the exclusion of all others, the purchaser of the mines and minerals discovered, or which might be afterwards discovered in the soil under his property.

“ **1457.** Articles 1494, 1495 and 1496 apply also, in so far as consistent with the provisions of the preceding articles, to the person, firm or company who, holding a license as above, has discovered a new mine. 47 V., c. 22, s. 5, and R. S. Q., 1450.

II.—MINING LICENSES.

1.—Mining without license forbidden.

Mining without having purchased mine or holding license prohibited.

“**1458.** Every person is prohibited, under pain of the fines and penalties mentioned in article 1526, from mining in any mine, either upon public or private lands, when the mining rights belong to the Crown, without having previously purchased the same, in virtue of the present law, or without having obtained, to that effect, a mining license, and paid the fee and rent required by article 1461. 43-44 V., c. 12, s. 47, and R. S. Q., 1475.

Mining without giving notice to inspector prohibited.

“**1459.** Every person, firm or company, is further prohibited, under the penalties mentioned in article 1528, from commencing mining operations without having given notice in writing, without delay, to the inspector, according to the form of Schedule F, containing the name, the description of the land and the place of domicile of such person, firm or company. 43-44 V., c. 12, s. 48, and R. S. Q., 1476.

2.—Form of Mining Licenses.

Description of mining license for:
Private lands;
Public lands;
Form thereof.

“**1460.** There are two descriptions of licenses for mining, known as follows, to wit:
1. Private lands' license, where the mining rights belong to the Crown;
2. Public lands' license.
The first is made in the form of schedule A of this law, and the second in the form of schedule B. 43-44 V., c. 12, s. 50, and R. S. Q., 1478.

3.—Granting and Duration of Licenses.

Fee and rental for mining license.
Duration and transfer thereof.
Extent of territory covered.

“**1461.** Mining licenses are granted on payment of a fee of five dollars, and of an annual rental of one dollar per acre.

2. Every such license is valid for one year from the date of its issue, and is transferable only with the consent of the Commissioner.

3. It cannot be granted for an extent of over two hundred acres in superficies, unless the Lieutenant-Governor in Council otherwise decides, in virtue of article 1580.

Renewal of license.

4. The licensee may, before the expiry of his license, and not later than ten clear days thereafter, renew such license, on payment of a like fee of five dollars, or of any such other sum, as may be determined by law, at the time of its issue, and of an annual rental of one dollar per acre.

Fees and rental required.

5. No such mining license can be renewed except upon payment of the said fee and of the said annual rental.

“ **1462.** It shall be lawful for the Lieutenant-Governor in Council whenever he deems it expedient, to require the payment of the royalty, in lieu and stead of fees for a mining license and of an annual rental as aforesaid, except, however, in places in this Province in which the royalty due to the Crown under letters-patent is paid by means of fees for mining licenses. 43-44 V., c. 12, s. 52; 47 V., c. 22, ss. 9 and 10, and R. S. Q., 1480.

Royalty may be required in lieu of fees and rental.

“ **1463.** Every inspector is bound to keep a book in which the licenses are registered, and he must further enter therein, upon notice given under articles 1492 and 1493, the names of the applicants for a license, the description of mining lands staked out by them under the provisions of article 1491, and the date of the choice of such land. 43-44 V., c. 12, s. 43, and R. S. Q., 1471.

Books to be kept by inspector for licenses, &c., and what to contain.

“ **1464.** Such book is to be open to the inspection of any one desiring to examine the same, upon payment of a fee of twenty cents to the inspector. 43-44 V., c. 12, s. 43, and R. S. Q., 1471.

Books to be open to inspection upon payment of a fee.

4.—*Powers of Licensees on Private Lands.*

“ **1465.** Every holder of a private lands' license is authorized to search on any private lands, whenever such private person voluntarily consents or is compelled thereto under the provisions of the following articles. 43-44 V., c. 12, s. 53, and R. S. Q., 1481.

Holder of private lands' license may search on any private lands, &c.

5.—*Arbitration for mining on Private Lands.*

“ **1466.** Every person, who desires to mine on the lands of a private person, must first cause to be served a notice in writing, according to the form of schedule C of this law, stating :

Notice to be served before mining on private lands and contents thereof.

1. That he intends to mine on the lands of such private person ;

2. That he is ready to pay the damages arising from such mining operations, to be assessed by mutual agreement. 43-44 V., c. 12, s. 55, and R. S. Q., 1483.

“ **1467.** The notice shall give a delay of one month, from the date of the service, to the said private person, to answer and make such agreement, if present, and if absent from the Province, double delay, and in the latter case the notice shall be inserted in French and English, three times in a newspaper of the district, if there is such newspaper, if not, in a newspaper of an adjoining district. 43-44 V., c. 12, s. 56, and R. S. Q., 1484.

Delay to answer.

Publication of notice in certain cases.

If private person refuses to arrange. Plan to be made.

“**1468.** Whenever a private person refuses to come to a mutual understanding for mining on his land, the petitioner may then cause a plan of the land, absolutely necessary for his mining operations, to be made by a sworn land surveyor, who, for that purpose, is authorized to enter upon the said property with his employees, and cause to be served upon the said private person another notice, according to the form of schedule D of this law, containing :

Further notice and contents thereof.

1. A description of the land to be taken for mining purposes ;
2. A copy of the land surveyor's plan ;
3. A declaration that he is ready to pay a certain sum, in money or rent, as the case may be, as a compensation for the said land or damages, and
4. The name of a person whom he appoints as his arbitrator, if his offer is not accepted, also a demand upon the said private person to appoint and declare the name of his arbitrator. 43-44 V., c. 12, s. 58, and R. S. Q., 1486.

License may be taken out by private person so notified. Proviso.

“**1469.** Every such private person may, however, within the delays aforesaid, take out a mining license to mine his land, in conformity with the present law ; provided, however, that he has not divested himself of his right of pre-emption in favor of a third person. 43-44 V., c. 12, s. 57, and R. S. Q., 1485.

Delays to answer, if party in Province.

“**1470.** The delay to answer such notice is ten clear days, if the opposite party is present in this Province. 43-44 V., c. 12, s. 59, and R. S. Q., 1487.

Procedure if party absent.

“**1471.** If the opposite party is absent from the Province, or is unknown, then, upon a petition addressed to the inspector of the mining division in which the land is situated, accompanied by a return of service, certifying that the said person is absent from the Province, and could not be found therein, the said inspector orders, under his signature, that the notice, drawn up according to the form of schedule D of this law, be inserted, three times in the French and English languages, during ten days, in a newspaper published in such district, if there is such newspaper, if not, then in a newspaper of a neighboring district. 43-44 V., c. 12, s. 59, and R. S. Q., 1487.

Form of answer.

“**1472.** The answer, to be given to the said notice, is made in terms of the form of schedule E of this law. 43-44 V., c. 12, s. 59, and R. S. Q., 1487.

Procedure if party does not answer, &c.

“**1473.** If, during the ten days after the service of the notice, or the eight days following the last publication (as the case may be), the opposite party does not inform the peti-

tioner that he accepts his offers, or does not give the name of the arbitrator appointed by him, then the inspector of the mining division, upon application of the said petitioner, appoints a competent person to be sole arbitrator, to determine the compensation which the opposite party has a right to receive. 43-44 V., c. 12, s. 60; 47 V., c. 22, s. 17, and R. S. Q., 1488.

Appointment of sole arbitrator.

"1474. If the opposite party, during the above prescribed delay, notifies to the petitioner the name of the arbitrator whom he has chosen, the two arbitrators jointly name a third. 43-44 V., c. 12, s. 61, and R. S. Q., 1489.

If party notifies his appointment of an arbitrator. Appointment of third.

"1475. Such arbitrators appointed by the parties must, within eight days after the opposite party has made known the name of his arbitrator, meet to agree upon the choice of a third. 43-44 V., c. 12, s. 61, and R. S. Q., 1489.

Meeting to appoint third arbitrator.

"1476. If the two arbitrators cannot agree upon the choice of a third, the inspector is bound, upon application of any of the parties, notice of at least two clear days having been previously given to the other, to appoint such third arbitrator himself. 43-44 V., c. 12, s. 61, and R. S. Q., 1489.

Appointment of third by inspector, after notice, if arbitrators do not agree.

"1477. The arbitrators or two of them, or the sole arbitrator, after having taken an oath before a justice of the peace of the district, or before the inspector of the mining division, in which such land is situated, to faithfully and impartially fulfil the duties of their office, immediately proceed to establish the compensation to be paid by the petitioner, as the majority may decide; and the award of the arbitrators or of the sole arbitrator, as the case may be, is final and without appeal. 43-44 V., c. 12, s. 62, and R. S. Q., 1490.

Proceedings by arbitrators after being sworn.

Award final.

"1478. No proceedings can be commenced by the arbitrators before a sum of fifty dollars is deposited with the inspector of the mining division, to defray the costs of the arbitration, and a certificate of the inspector be delivered to them certifying such deposit.

Deposit for costs required.

The arbitrators may require the deposit of any other sum deemed necessary during the proceedings. 43-44 V., c. 12, s. 62, and R. S. Q., 1490.

Further deposit.

"1479. No award can be given, and no official act done by the majority of the arbitrators, unless at a meeting of which the other arbitrator has received notice, at last two clear days before, of the time and place at which such meeting is to be held.

Notice to be given by arbitrators, &c.

The service of a notice on the parties is not necessary. 43-44 V., c. 12, s. 63, and R. S. Q., 1491.

Parties need not be served.

What arbitrators to take into account.

“**1480.** In deciding upon the value or the compensation to be paid, the arbitrators are authorized and required to take into consideration the inconveniences, loss or damages arising from the fact that a third party takes possession or makes use of the land for mining purposes. 43-44 V., c. 12, s. 64, and R. S. Q., 1443 and 1492.

Another plan may be made.

“**1481.** If the arbitrators are not satisfied with the plan drawn by the land surveyor, as mentioned in article 1468, they may cause another to be made, at the cost of the petitioner, by any other land surveyor, to whom they have a right to give the necessary instructions. 43-44 V., c. 12, s. 65, and R. S. Q., 1493.

Size of land to be allowed.

“**1482.** The arbitrators, in proceeding with such arbitration, must allow only the land, strictly requisite for mining purposes, which can, in no case, exceed fifteen acres in superficies, over and above the land deemed necessary, on the same property, for right of way with horses and vehicles to and from the nearest highway. 43-44 V., c. 12, s. 66, and R. S. Q., 1494.

Costs by whom paid.

“**1483.** The costs are paid by the petitioner, except however those of the arbitrator of the opposite party, which are paid by him, if the award does not allow him a higher compensation than that offered before the arbitration.

Taxation of costs.

In all cases, the costs are taxed by the inspector of the mining division. 43-44 V., c. 12, s. 67, and R. S. Q. 1495.

Parties and witnesses to be sworn.

“**1484.** The arbitrators may swear the parties and their witnesses, and, in their discretion, interrogate them under oath or solemn affirmation. 43-44 V., c. 12, s. 68, and R. S. Q., 1496.

Appointment of arbitrator by inspector, if sole arbitrator dies, &c.

“**1485.** In the case of a sole arbitrator, if the latter dies before giving his award, or if he becomes ill, or refuses, or neglects to act, within a reasonable delay, the inspector, upon satisfactory proof thereof, appoints another in his stead; but the latter arbitrator cannot recommence or repeat any of the previous proceedings. 43-44 V., c. 12, s. 69, and R. S. Q., 1497.

Payment of amount of award to inspector.

“**1486.** When the award of the arbitrators is given, the amount of the damages awarded and costs must be paid into the hands of the inspector of the mining division having jurisdiction. 43-44 V., c. 12, s. 70, and R. S. Q., 1498.

Receipt therefor; when work to be commenced.

“**1487.** The inspector must give a receipt for the sums so paid; but no work shall be commenced, without the express

permission of the inspector, or before the amount of the compensation has been paid or lawfully tendered to the private person or to the proprietor of the soil. 43-44 V., c. 12, s. 71 ; 47 V., c. 22, s. 18, and R. S. Q., 1499.

“ **1488.** The amount of the compensation, and the costs so paid, are afterwards distributed, within the shortest possible delay, by the inspector, to the persons entitled thereto. 43-44 V., c. 12, s. 72, and R. S. Q., 1500. Distribution of amount by inspector.

“ **1489.** Every petitioner, as aforesaid, may also, by following the procedure above set forth, obtain from neighboring proprietors and others, the right of way over their lands with horses and vehicles, and the right to make the works necessary thereon for conveying the water required by him for the better working of his mining lands ; provided, however, that he does not apply for any thing which might have the effect of turning the course of any spring, river or stream, so as to deprive the inferior riparian proprietors of the use of such spring, river or stream. 43-44 V., c. 12, s. 73, and R. S. Q., 1501. Proceedings to obtain right of way, &c. Proviso.

“ **1490.** The preceding article is applicable to every person who works a mine of any kind in this Province. 43-44 V., c. 12, s. 73, and R. S. Q., 1501. Application of previous article.

6.—Miscellaneous provisions respecting applicants for, and holders of licenses, and persons working mines.

“ **1491.** Every applicant for a license to mine upon public lands, has a right to plant a wooden picket at each corner of the lot for which he desires to obtain such license. 43-44 V., c. 12, s. 77, and R. S. Q., 1504. Applicant for mining license may stake out claim.

“ **1492.** Every such applicant, after having staked out the location of his land in the manner determined in the preceding article, is bound to give written notice thereof, without delay, to the mining inspector, in the form of schedule F of this law. 43-44 V., c. 12, s. 81, and R. S. Q., 1508. Notice to be given thereafter.

“ **1493.** Such notice shall give the name of the applicant, indicate the place where the land is situated, contain a complete designation and description of the land, and mention where such applicant elects his domicile, under the penalties mentioned in article 1528. 43-44 V., c. 12, s. 18, and R. S. Q., 1508. Contents of notice.

“ **1494.** The discoverer of a new mine on public lands is entitled to a free mining license, in the form of schedule J of this law, valid for twelve months, for the area allowed of this law, valid for twelve months, for the area allowed Right of discoverer of new mine to obtain free license, &c.

Proviso as to report. by article 1461, or by any regulations which may be issued under it, and in force when such discovery is made; provided that such discovery has been immediately reported, in writing, to the inspector of the mining division. 43-44 V., c. 12, s. 83, and R. S. Q., 1510.

If discovery not at once reported. " **1495.** Any one, who does not immediately report such discovery, shall be deprived, for the space of one year, of the right to mine on public lands. 43-44 V., c. 12, s. 83, and R. S. Q., 1510.

Who is to be considered as a discoverer of a new mine. " **1496.** No person is considered to be the discoverer of a new mine, unless the place of the alleged discovery is in a region unknown as a mining region, or at least at a distance of thirty miles from the nearest mine. 43-44 V., c. 12, s. 84, and R. S. Q., 1511.

Statement to be furnished by holder of mining license, upon renewal thereof. " **1497.** Every person, holding a mining license, upon renewing the same, is bound, under penalty of the refusal of such renewal, to make to the inspector of the mining division, in addition to the annual statement which he is bound to furnish in virtue of the following article, a full and true statement, under oath, of the work performed, and of the minerals obtained by him, during the term of such license, which statement may be entered upon the expiring license. 43-44 V., c. 12, s. 86, and R. S. Q., 1513.

Annual statements to be furnished by person working a mine. " **1498.** Every person working a mine must furnish, during the month of January, every year, a sworn statement of his operations for the previous year, containing the quantity of mineral extracted, its value at the mine, and the number of workmen employed, as also a statement giving the names of persons killed or wounded in working the mines.

Certain lands not to be entered upon under title to mining concession or license, &c. " **1499.** No title to a mining concession or license shall, without the formal consent of the proprietor of the soil, give a right to mine, or to open pits or galleries, or to erect machines or stores, in fields, yards or gardens, or upon lands close to dwelling houses, or boundary fences, within a distance of three hundred feet from such fences or dwellings, nor even to enter such yards or habitations. 43-44 V., c. 12, s. 76, and R. S. Q., 1444 and 1503.

Application of law to persons working on lands adjoining a mining division. " **1500.** Every person, who prospects or mines for minerals upon lands adjoining a mining division, is subject to the provisions of this law, as if he worked within the limits of such mining division. 43-44 V., c. 12, s. 98, and R. S. Q., 1525.

License to be exhibited when required, &c. " **1501.** Every licensee, under this law, is bound, under the penalties mentioned in article 1538, whenever required

so to do, to exhibit his license to the inspector of the division, or to any constable or peace officer deputed by the said inspector, and to prove to the satisfaction of every such officer, making such demand, that the license which he holds is in force. 43-44 V., c. 12, s. 99, and R. S. Q., 1526.

“**1502.** Every licensee is bound, under the penalties mentioned in article 1539, to allow the inspector of the mining division, or any constable or other peace officer, deputed by the said inspector, to enter upon the lands which he works, and to afford them all necessary facilities and assistance for that purpose. 43-44 V., c. 12, s. 100, and R. S. Q., 1527.

Licensee to permit of inspection of lands, &c.

III.—MILL OR MACHINE LICENSE.

1.—Price of License.

“**1503.** Every person, who desires to employ or make use of any mill or machinery, other than those worked by hand, for crushing quartz or reduction of quartz, or the obtaining of gold and silver therefrom, by crushing, stamping, amalgamating or otherwise, is required, under the penalties mentioned in article 1535, to obtain beforehand a special license therefor, from the inspector of the mining division, upon payment of a fee of five dollars.

License to be taken out for machine or mill.

Fee therefor.

Such license is in the form of schedule H of this law. 43-44 V., c. 12, s. 90, and R. S. Q., 1517.

Form of license.

2.—Duties of Mill or Machine owners.

“**1504.** Every licensed mill or machine owner, as aforesaid, is required, under the penalties mentioned in article 1536, to keep an account book, in which he is bound to enter a clear and distinct statement of all quartz crushed, reduced or amalgamated by such mill or machine, and also the following particulars:

Books to be kept by licensed mill or machine owner, &c., what to contain.

1. The name of the owner or owners of each distinct parcel or lot of quartz crushed;
2. The weight of each such parcel or lot;
3. The date of the crushing of the same;
4. The actual yield in weight of mineral obtained from each such parcel or lot;
5. The description of the mining land worked. 43-44 V., c. 12, s. 91, and R. S. Q., 1518.

“**1505.** Every owner of a licensed mill or machine is bound, under the penalties mentioned in article 1536, to furnish, monthly, to the inspector of the mining division, a return under oath, compiled from the book, containing the aforesaid statements and details for each and every day

Monthly return to be made on oath &c., what to contain.

of the month then last past, together with such other information as the inspector or the Lieutenant-Governor in Council may require. 43-44 V., c. 12, s. 92, and R. S. Q., 1519.

§ 10.—*Special provisions respecting mining.*

I.—PARTY WALLS OR *passages*.

Party walls
between
holdings.

“**1506.** A party wall or *passage*, at least three feet thick, shall be left between each holding worked as well on public as on private lands; which said party wall or *passage* is to be used in common by all parties as a mode of access to the stream, where one exists; and no one shall obstruct such party wall or *passage* by throwing soil, stones or other material thereon, under the penalties mentioned in article 1530. 43-44 V., c. 12, s. 93, and R. S. Q., 1520.

Not to be
obstructed.

May be remov-
ed, if replaced.

“**1507.** Any person interested may, at any time, remove a party wall or *passage* as aforesaid, if he thinks it necessary, but he shall, if required so to do, construct a new mode of access to the water, offering the same facilities as an approach as the party wall or *passage* so removed, under the penalties enacted in article 1531; but such removal cannot be affected without the written permission of the inspector of the mining division, who shall summarily decide, after hearing the adverse party or, in his absence, if he has been duly notified. 43-44 V., c. 12, s. 94; 47 V., c. 22, s. 21, and R. S. Q., 1521.

Permission
required.

II.—DAMAGES RESULTING FROM MINING OPERATIONS.

Damages to
mining lands,
by throwing
earth, &c.,
thereon, &c.

“**1508.** No person working mines shall cause any damage or injury to the occupant of any other mining land, by throwing earth, clay, stones or other material upon such other land, or by causing or allowing any water which may be pumped or baled, or may flow from his land, to flow into or upon such other land, under the penalties mentioned in article 1532, over and above the damages caused. 43-44 V., c. 12, s. 95, and R. S. Q., 1522.

III.—WATER-COURSES AND EXCAVATIONS.

Pits, &c., to
be fenced, &c.

“**1509.** Every miner, who makes a pit, shaft or any excavation whatever, to a depth of four feet and over, is bound, under the penalties mentioned in article 1537, to enclose the same with a fence, at least four feet in height, if he discontinues working the same for a period of eight days. 43-44 V., c. 12, s. 97, and R. S. Q., 1523.

Use of water-
courses.

“**1510.** All owners of claims and mining locations, bound-
ed by water-courses or rivers, upon public as well as upon

private lands, may make use of such water-courses or rivers in working their respective claims or locations, but without hindering each other, subject in all cases to the provisions of article 1489, if they apply. 43-44 V., c. 12, s. 96, and R. S. Q., 1524.

“ **1511.** Every dispute, arising between the parties on this subject, is settled and decided by the inspector of the mining division; and whosoever disobeys the order of the inspector is liable to the penalties mentioned in article 1533. 43-44 V., c. 12, s. 96, and R. S. Q., 1524.

Settlement of disputes.
Disobedience to orders of inspector.

§ 11.—*Inspectors and other officers.*

I.—APPOINTMENT.

“ **1512.** The Lieutenant-Governor in Council may, on the recommendation of the Commissioner, appoint all inspectors, policemen or police force and other officers (except constables) deemed necessary for the carrying out of the present section, fix their rank and salaries, and prescribe their duties not formally herein prescribed. 43-44 V., c. 12, s. 36, and R. S. Q., 1464.

Appointment of inspectors, police, &c.

“ **1513.** The inspectors must be mining engineers, possessing sufficient knowledge of mineralogy and metallurgy, and have exercised their profession during, at least, five years.

Qualification of inspectors.

“ **1514.** The inspectors may be appointed for one or more mining divisions, as the Lieutenant-Governor in Council thinks proper, under the name of “ Inspector for the mining division of (*name of the division*) or for the mining divisions of (*name of the divisions*)”, as the case may be. 43-44 V., c. 12, s. 37, and R. S. Q., 1465.

Inspector may be appointed for one or more divisions.

“ **1515.** If, in any mining division, no inspector has been appointed, or if there is one, and he is unable, for any reason whatsoever, to perform the duties of his office, or, if such office is vacant, the Commissioner may order an officer of his department or any other competent person to temporarily perform the duties of inspector in such division. 43-44 V., c. 12, s. 38, and R. S. Q., 1466.

Commissioner may order another person to take over division.

“ **1516.** The policemen or police force are subject to the regulations established by the Lieutenant-Governor in Council; and such policemen and members of the police force so appointed have, while they are in office, all the powers and immunities of constables and peace officers, and

Police, &c., to be subject to regulations established by the Lieutenant-Governor, and their powers.

all such extraordinary powers and authority as the Lieutenant-Governor in Council may confer on them. 43-44 V., c. 12, s. 39, and R. S. Q., 1467.

Employment of police for other duties.

“ **1517.** They may also be employed in such duties as the Lieutenant-Governor may, from time to time, determine. 43-44 V., c. 12, s. 39, and R. S. Q., 1467.

Control of inspectors and other officers.

“ **1518.** All inspectors and other officers appointed under this law are under the general control and management of the Commissioner. 43-44 V., c. 12, s. 35, and R. S. Q., 1463.

II. — POWERS AND DUTIES.

Accountability of inspectors, &c.

“ **1519.** Every inspector or other officer who receives public moneys, under the present law, is accountable therefor to the Commissioner, into whose hands he is bound to pay the same, at the dates and in the manner prescribed by the latter. 43-44 V., c. 12, s. 40, and R. S. Q., 1468.

Returns by inspector with accounts.

“ **1520.** In rendering his accounts to the Commissioner, the inspector shall transmit, in addition to the information required, a return showing the sums collected by him, and the names of the persons who have obtained licenses. 43-44 V., c. 12, s. 40, and R. S. Q., 1468.

Appointment of constables by inspector.

“ **1521.** The inspector of a mining division may, with the approval of the Commissioner, from time to time, appoint constables to the number of twelve at most; the persons so appointed are hereby respectively constituted constables and peace officers, for the purposes of this law, for the time and in the mining divisions for which they are respectively appointed.

Powers as peace officers.

Control of inspector over police and constables.

2. The inspector has special control over the constables and police force appointed for his division. 43-44 V., c. 12, ss. 41 and 42, and R. S. Q., 1469 and 1470.

Orders of inspector.

“ **1522.** He may give such orders or make such regulations, subject to the approval of the Commissioner, as he may deem expedient, respecting the general government of such officers, their classification, rank and particular services, their distribution, inspection, and place of residence.

Suspension and removal of constables.

He has absolute power, at any time, to suspend them from their functions, and, with respect to constables, to remove them, with the approval of the Commissioner. 43-44 V., c. 12, s. 42, and R. S. Q., 1470.

Powers, &c., of constables.

“ **1523.** All such constables, while in office, have all the powers, authority, rights and privileges conferred on the police force of the cities of Montreal and Quebec respec-

tively, by the provisions of sections one and four of chapter first of title seventh of these Revised Statutes. 43-44 V., c. 12, s. 42, and R. S. Q., 1470.

“ **1524.** Every inspector, constable or peace officer, in a mining division, may, at any time, enter upon private or public lands that are being mined in the said division, and examine the pits, shafts, tunnels, subterranean passages or other mining works or excavations constructed or commenced in any manner whatsoever, and require, from the proprietors of such pits, shafts, tunnels and other mining works, and from their employees, all the facilities and assistance necessary for that purpose. 43-44 V., c. 12, s. 45, and R. S. Q., 1473.

“ **1525.** No inspector of a mining division, under the penalties mentioned in article 1540, can, at any time, either directly or indirectly, so long as he is in office, take any share, in his own name, or in the name of another for him, in the working of the mines at large in the mining division for which he has been appointed. 43-44 V., c. 12, s. 46, and R. S. Q., 1474.

§ 12.—*Penalties.*

“ **1526.** Every person, who works a mine in public or private lands, when the claim belongs to the Crown, without having first acquired the same under the present law, or without having first obtained a license and paid the fee and rental required by article 1461, is liable to a fine of two hundred dollars and costs for every contravention, and, in default of payment, to imprisonment for a period not exceeding three months. 43-44 V., c. 12, s. 102, and R. S. Q., 1528 and 1529.

“ **1527.** Every owner of mining land who sells, cedes, transfers or alienates his mining right, without having given notice to the Commissioner of Crown Lands within thirty days after such sale, transfer or alienation, is liable to a fine of fifty dollars and costs, and, in default of payment, to an imprisonment of three months.

“ **1528.** Every person, who commences mining, or every applicant for a license who has staked out a mining lot, in conformity with article 1491, without having furnished to the inspector the name of the person, the full designation and description of his mining land and declared his place of residence, is liable to a fine not exceeding twenty-five dollars and costs, and, in default of payment, to imprisonment for a period not exceeding one month. 43-44 V., c. 12, s. 103, and R. S. Q., 1530.

Penalty for employing women, girls or boys in mining.

“ **1529.** Every person, who, by himself or his agents, employs a woman or a girl, or who employs any male child in the working of such mine, contrary to the provisions of article 1548, is liable to a fine not exceeding twenty dollars for each offence and the costs, and, in default of payment, to an imprisonment not exceeding one month.

Penalty for obstructing passage or party wall, &c.

“ **1530.** Whosoever obstructs a party wall or *passage* upon lands worked as mines under this law, by throwing thereon earth, stones or other material, is liable to a fine not exceeding five dollars and costs, and, in default of payment, to imprisonment for a period not exceeding one month. 43-44 V., c. 12, s. 104, and R. S. Q., 1531.

Penalty for removing party wall or passage, &c.

“ **1531.** Whosoever removes a party wall or *passage* and does not, if thereunto required, provide another mode of access to the water-course, is liable to the penalty mentioned in the preceding article. 43-44 V., c. 12, s. 105, and R. S. Q., 1532.

Penalty for damaging another mining land, &c., while mining.

“ **1532.** Whosoever, while engaged in mining, causes damage or injury to the occupant of another mining land by throwing earth, clay, stones or other material in and upon such claim, or by causing or allowing any water, which may be pumped or baled or which may flow from his claim, to flow into or upon such land, is liable to a fine not exceeding five dollars and costs, and, in default of payment to imprisonment for a period not exceeding one month. 43-44 V., c. 12, s. 108, and R. S. Q., 1533.”

Penalty for not complying with inspector's decision respecting water-courses, &c.

“ **1533.** Whosoever, in working a mine, does not comply with the decision of the inspector with respect to the use he is to make of a water-course, canal, drain, shoot, or other aqueduct, is liable to a fine not exceeding fifty dollars and costs, and, in default of payment, to imprisonment for a period not exceeding one month. 43-44 V., c. 12, s. 107 ; 47 V., c. 22, s. 22, and R. S. Q., 1534.

Penalty for removing stakes, &c.

“ **1534.** Any person, found removing or disturbing intentionally, any stake or picket planted under the provisions of this law, is liable to a fine not exceeding ten dollars and costs, and, in default of payment, to imprisonment for a period not exceeding one month. 43-44 V., c. 12, s. 108, and R. S. Q., 1535.

Penalty for using mill or machine without license.

“ **1535.** Whosoever makes use of any mill or machine, other than those worked by hand, within or near any mining division, for the crushing or reduction of quartz or the obtaining of gold therefrom, by crushing, stamping, amalgamating or otherwise, without a license therefor, is

liable to a fine not exceeding one hundred dollars and costs, and, in default of payment, to imprisonment for a period not exceeding two months. 43-44 V., c. 12, s. 109, and R. S. Q., 1536.

“ **1536.** Every licensed mill or machine owner, or, in the case of an incorporated company, every manager or agent thereof, who omits to enter the statement of any of the details which he is required to enter, in his book, under articles 1504 and 1505, or delays sending in the return which he is bound to make, is liable, for every day of such omission or delay, to a fine not exceeding twenty dollars and costs, and, in default of payment, to imprisonment for a period not exceeding one month. 43-44 V., c. 12, s. 110, and R. S. Q., 1537.

Penalty for not making entries in books kept by licensed mill or machine owner.

“ **1537.** Every person, who discontinues working in any pit, shaft or excavation whatsoever of four feet or more in depth, without fencing in the same to a height of at least four feet, is liable, for each offence, to a fine not exceeding fifty dollars and costs, and, in default of payment, to imprisonment for a period not exceeding one month. 43-44 V., c. 12, s. 111, and R. S. Q., 1538.

Penalty for not fencing in pit, &c.

“ **1538.** Every licensee, who, when required so to do, refuses to exhibit his license to the inspector of the mining division, or to any constable or peace officer deputed by such inspector, is liable to a fine not exceeding five dollars and costs, and, in default of payment, to imprisonment for a period not exceeding one month. 43-44 V., c. 12, s. 112, and R. S. Q., 1539.

Penalty for refusing to exhibit license.

“ **1539.** Every person, engaged in mining upon any land whatever, who refuses to allow the inspector of the division, or any constable or peace officer, authorized by such inspector, to enter, for the performance of their official duties, upon the lands on which he is so working, or, who refuses, when thereunto required, to afford them the facilities and assistance necessary for such purpose, is liable to a fine not exceeding five dollars and costs, and, in default of payment, to imprisonment for a period not exceeding one month. 43-44 V., c. 12, s. 113, and R. S. Q., 1540.

Penalty for refusing admission to constables, &c.

“ **1540.** Every inspector of mines, who, while he is in office, takes a share in the working of the mines generally, either in his own name or in that of another for him, directly or indirectly, is liable (in addition to dismissal from office, and the nullity of the title or interest which he has obtained) to a fine not exceeding four hundred dol-

Penalty against inspector taking shares or interest in mines in his division.

lars and costs, and, in default of payment, to imprisonment for a period not exceeding one year. 43-44 V., c. 12, s. 114, and R. S. Q., 1541.

Penalty on witnesses refusing to appear, &c.

“ **1541.** Every witness lawfully summoned, who refuses to appear or to take the oath and to answer, is liable to a fine of five dollars and costs, for every such refusal, or to be imprisoned until he consents to take the oath or affirmation and to answer. 43-44 V., c. 12, s. 115, and R. S. Q., 1542.

Penalty for preventing arrest.

“ **1542.** Every person, who, knowingly or under reasonable belief that an arrest under this law is to be made, prevents the arrest of any one violating this law, is liable to a fine not exceeding forty dollars, and, in default of payment, to imprisonment for a period not exceeding two months. 43-44 V., c. 12, s. 148, and R. S. Q., 1570.

Penalty, if no other provided, for infractions, &c.

“ **1543.** Every person, contravening this law or any order or regulation made under it, where no other penalty or punishment is imposed, is liable, for every day on which such contravention occurs, continues, or is repeated, to a fine not exceeding twenty dollars and costs, and, in default of payment, to imprisonment not exceeding one month. 43-44 V., c. 12, s. 121, and R. S. Q., 1543.

Imprisonment when to count.

“ **1544.** Every term of imprisonment counts from the day of incarceration. 43-44 V., c. 12, s. 149, and R. S. Q., 1571.

§ 13.—*Riots in the neighborhood of mines.*

R. S. Q., art. 1843 et seq., may be enforced by proclamation in mining division.

When to have force.

“ **1545.** The Lieutenant-Governor in Council may, by proclamation, whenever he deems it necessary, declare that section eleventh of chapter eighth of title fourth of these Revised Statutes, respecting riots near public works, shall apply to one or more mining divisions, in so far as its provisions may be applicable ; the said section shall have force of law, from and after the date of such proclamation, in the mining division or divisions mentioned in the proclamation. 43-44 V., c. 12, s. 125, and R. S. Q., 1546.

May be discontinued.

“ **1546.** The Lieutenant-Governor in Council may, in the same manner, from time to time, declare the said section to be no longer in force in such mining division or divisions and again put the same in force, when he deems it advisable. 43-44 V., c. 12, s. 125, and R. S. Q., 1546.

Not to have effect in any city.

“ **1547.** No such proclamation can have any effect within the limits of a city. 43-44 V., c. 12, s. 125, and R. S. Q., 1546.

§ 14.—*Protection of workmen in mines.*

“ **1548.** No woman or girl shall be employed in the working of any mine. Women and girls not to be employed.

2. No male child under fifteen years shall be employed in the underground works of any mine or quarry. Boys, underground.

3. No male child of fifteen years but under seventeen years shall be employed in a mine as above, more than forty-eight hours per week, said week being considered as beginning at midnight on Sunday and ending at midnight on the following Saturday. Boys, for over certain hours per week.

4. No male child of less than twenty years shall be employed in working machinery in or near a mine, with the exception of machinery put in motion by horses or other animals, in which case their driver may be sixteen years of age. Boys less than twenty not to be employed, &c., at machinery, &c. Exception.

“ **1549.** Every proprietor of a mine in operation, who, by himself or his agents, contravenes the provisions of the preceding article, is subject to the penalties mentioned in article 1529. Penalty against proprietor for infractions.

“ **1550.** Regulations may be made by the Lieutenant-Governor in Council, respecting the sanitary condition and safety of the works in mines, so as to protect the life and health of the workmen therein employed. Regulations by Lieutenant-Governor, respecting health and safety.

Such regulations, after their promulgation in the Official Gazette, become law, and a copy of the same shall be posted up in the most conspicuous places of the mine, in conformity with the instructions of the mining inspector. Publication thereof.

“ **1551.** Every three months, the inspector shall make a report to the Commissioner with respect to the fulfilment of the provisions of the present paragraph within the limits of his mining division. Quarterly report by inspector to Commissioner.

§ 15.—*Sale of Intoxicating Liquors near mines in operation.*

“ **1552.** The sale or exchange of intoxicating liquors, within a radius of seven miles of any mine in operation, is prohibited unless a licensè to that effect has been obtained from the inspector of the mining division, in conformity with section twelfth of chapter fifth of title fourth of these Revised Statutes, under the penalties set forth in the 893rd and following articles. 43-44 V., c. 12, s. 49, and R. S. Q., 1477. Sale, &c., of liquor within certain distance of mine prohibited, except under license from inspector.

“ **1553.** The inspector of a division has the supervision of those who therein sell intoxicating liquors; he alone may refuse or grant such licenses and cancel the same within such radius of seven miles. 43-44 V., c. 12, s. 49; 45 V., c. 14, s. 1, and R. S. Q., 1477. Supervision of persons selling intoxicants. Granting of licenses, &c.

§ 16.—*Prosecutions.*

I.—LAWS APPLICABLE.

R. S. C.,
cc. 174 and
178, and R. S.
Q., art. 2713
to 2720 to
apply to pro-
secutions for
certain offen-
ces.

“ **1554.** All the provisions of this law, relating to indictable offences or summary convictions, as well as to the proceedings to be adopted in each of such cases, shall be so interpreted that the Revised Statutes of Canada, chapters one hundred and seventy-four and one hundred and seventy-eight, shall be applicable thereto, as also the provisions of articles 2713 to 2720 of these Revised Statutes. 43-44 V., c. 12, s. 126, and R. S. Q., 1547.

II.—IN WHOSE NAME BROUGHT.

Prosecution
in whose
name brought
and before
what court
for recovery
of royalties
and purchase
price of con-
cessions, &c.

“ **1555.** Prosecutions for the recovery of royalties due to the Crown, for sums due for the purchase of mining concessions or mining rights, and for mining or exploration licenses, are brought in the name of the Commissioner of Crown Lands, before any court of competent civil jurisdiction, and other prosecutions for contraventions of this law are brought in the name of a complainant or by the collector of provincial revenue for the district in which such offence was committed. 43-44 V., c. 12, s. 127; 47 V., c. 22, s. 23, and R. S. Q., 1548.

III.—INSPECTOR'S COURT AND JURISDICTION.

Prosecutions
for recovery
of fines.

“ **1556.** Prosecutions for the recovery of fines imposed by this section, or by the regulations made in virtue thereof, for the recovery of fees exigible thereunder, other than those mentioned in the preceding article, and for all contraventions of the provisions thereof, are brought before the inspector of each mining division having jurisdiction. 43-44 V., c. 12, s. 128, and R. S. Q., 1549.

Inspector
justice of the
peace *ex
officio.*

“ **1557.** The inspector of each mining division is, *ex officio*, a justice of the peace for the district which may comprise or include, in whole or in part, the mining division, for which he has been appointed, or in which district or portions thereof there may be one or more mining divisions, in which he is bound to perform his duties. 43-44 V., c. 12, s. 129, and R. S. Q., 1550.

Property
qualification
not required.

“ **1558.** It shall not be necessary that the inspector have any property qualification, to allow of his lawfully acting as a justice of the peace. 43-44 V., c. 12, s. 130, and R. S. Q., 1551.

Jurisdiction
of inspector.

“ **1559.** As a justice of the peace, the inspector (except in suits relating to rights or titles to immoveable property, in

which he must decline to act, if such cases occur,) possesses the jurisdiction, authority, rights and privileges which may be conferred, by the laws then in force, upon any police magistrate, district magistrate, judge of the sessions of the peace, justice of the peace, sheriff or recorder, throughout the whole extent of the territory, for which he has been appointed.

2. He decides, in a summary manner, all contestations respecting the dimensions or boundaries of mining lands under mining license, the use of water-courses and the access thereto. Contestations respecting boundaries, &c.

His decision is final and without appeal, in all things within his jurisdiction. Decision final and without appeal.

3. He takes cognizance of and finally determines all suits of a purely personal nature, and those affecting moveables, between persons or companies engaged in mining, or their agents, or other persons or companies, and *vice versa*; providing the amount in dispute does not exceed twenty-five dollars. Personal matters. Amount limited.

The proceedings are summary. 43-44 V., c. 12, ss. 131 and 132; 47 V., c. 22, s. 24, and R. S. Q., 1553 and 1554. Proceedings summary.

“ **1560.** For the execution of judgments under this law, the proceedings are the same as those in the Circuit Court, 47 V., c. 22, s. 24, and R. S. Q., 1554. Proceedings for executing judgments.

“ **1561.** The inspector may :

1. By writ of summons, cause defendants to appear before him ; Inspector may : Summon defendants ;

2. Summon any person who is pointed out to him as an important witness in a case ; Summon witnesses ;

3. Condemn a witness to the penalties mentioned in article 1541, whenever he refuses to appear, when lawfully summoned, or to take the oath and to answer ; Condemn witnesses for not appearing, &c.

4. Receive and cause to be taken in writing, upon the application of the plaintiff or of the defendant, in his discretion, the depositions of the witnesses then present, and adjourn the case to a future day, which he shall then fix for such purpose ; Receive depositions of witnesses, &c.

5. Determine such complaint, in the presence or absence of the defendant, in a summary manner, upon the evidence given under oath by one or more witnesses, sworn before him, and levy such sum as he may adjudge to be due by such person or company to such laborers or servants, together with such costs as he may deem proper, by a warrant of distress and sale of the defendant's goods and chattels ; Determine complaint in presence or absence of defendant, &c.

6. Convict, within his division, upon view, any person for any contravention, punishable under the provisions of Convict on view.

this law or the regulations made in virtue thereof. 43-44 V., c. 12, ss. 134, 135, 136, 137, 138, 139 and 140, and R. S. Q., 1555, 1556, 1557, 1558, 1559, 1560 and 1561.

IV.—CLERKS OF INSPECTORS.

Appointment and fees of inspectors' clerks.

“ **1562.** The clerks of inspectors of mining divisions are appointed by the Commissioner of Crown Lands and shall be entitled to the same fees as clerks of commissioners' courts or clerks of justices of the peace, as the case may be. 47 V., c. 22, s. 25, and R. S. Q., 1562.

V.—PROCEDURE.

Negative facts, &c., need not be alleged in prosecutions, &c.

“ **1563.** In any prosecution, instituted under this section, it is not necessary, in the declaration, information, complaint or summons, to allege any negative fact or any fact which it is the duty of the defendant to prove. 43-44 V., c. 12, s. 143, and R. S. Q., 1565.

Amendment of complaints, &c.

“ **1564.** Any declaration, complaint or summons may be amended, without costs, if there be any defect in the form thereof, and, upon such amendment, the defendant may obtain a further delay to plead and adduce evidence. 43-44 V., c. 12, s. 144, and R. S. Q., 1566.

Delay to defendant in such case.

Exact day need not be stated.

“ **1565.** It is not necessary, in a complaint, to state the exact day on which the offence was committed; it is sufficient that the day and hour be approximately stated. 43-44 V., c. 12, s. 145, and R. S. Q., 1567.

Fees of bailiffs, &c., clerks, &c.

“ **1566.** The fees to which bailiffs, constables and clerks of inspectors of mining divisions are entitled are those mentioned in articles 2585 to 2592, which fees each is respectively allowed to collect; but, as regards the fees of advocates and other costs, they are taxed in a reasonable and equitable manner, in the discretion of the inspector. 43-44 V., c. 12, s. 146; 49-50 V., c. 34, s. 1, and R. S. Q., 1568.

Advocates' fees and taxation thereof.

Services by whom and how made.

“ **1567.** Every service, under this law, is made by a bailiff of the Superior Court, or a constable appointed for the mining division in which the suit is instituted, by leaving a copy, certified by the inspector of the said division, with the defendant personally, or with a reasonable person of his family, at his domicile or place of business. 43-44 V., c. 12, s. 141, and R. S. Q., 1563.

Returns of service.

“ **1568.** The return of service by a bailiff is made under his oath of office.

That made by a constable is proved by a certificate, sworn before a justice of the peace or the inspector of the mining division. 43-44 V., c. 12, s. 142, and R. S. Q., 1564.

VI.—EXECUTION OF JUDGMENTS.

“ **1569.** In default of immediate payment of the fine and costs, the inspector may either cause the defendant to be imprisoned at once, or cause the defendant's goods and chattels to be seized and sold to pay the same; and, if he have no goods and chattels or not sufficient goods and chattels, cause him to be imprisoned for the period mentioned in the judgment. Imprisonment in default of payment, or distress warrant may be issued.

Nevertheless, the defendant may, at any time, obtain his discharge, by paying the fine and costs. 43-44 V., c. 12, s. 147, and R. S. Q., 1569. Discharge upon payment.

“ **1570.** No appeal lies from any conviction by or judgment of the inspector, in conformity with the provisions of this law. 43-44 V., c. 12, s. 150, and R. S. Q., 1572. No appeal.

§ 17.—*Miscellaneous Provisions.*

I.—APPLICATION OF DUES, FEES AND FINES.

“ **1571.** All dues, fees and fines collected under this law, as well as the price of mining concessions, unless otherwise provided, form part of the consolidated revenue fund of this Province. 43-44 V., c. 12, s. 151, and R. S. Q., 1573. Dues, fees and fines, &c., to belong to consolidated revenue fund.

“ **1572.** Any proportion of such dues, fees and fines may, from time to time, be applied, by the Lieutenant-Governor in Council, towards meeting the expenses incurred in carrying out this law. 43-44 V., c. 12, s. 151, and R. S. Q., 1573. Application of part thereof by Lieutenant-Governor in Council.

“ **1573.** The fines are applied as follows :

1. If the fine and costs are wholly recovered in the name of a complainant, after the costs are paid, one half of the penalty belongs to such complainant, and the balance is paid to the Provincial Treasurer; Application of fines: If recovered in full;

2. If the fine and costs have not been wholly recovered, then, after payment of the costs, the balance is distributed in the proportion indicated in the preceding paragraph. 43-44 V., c. 12, s. 152, and R. S. Q., 1574. If in part.

“ **1574.** The aforesaid distribution is made by the inspector of the mining division himself. 43-44 V., c. 12, s. 143, and R. S. Q., 1575. Who makes distribution.

II.—GEOLOGICAL EXPLORATIONS.

Geological explorations by order of Commissioner.

“ **1575.** The Commissioner of Crown Lands may, from time to time, and so often as he may deem advisable cause, geological explorations or other searches to be made, in order to ascertain what lands contain ores or minerals of any kind. 43-44 V., c. 12, s. 156, and R. S. Q., 1578.

Surveys of boundaries, &c., of mining concessions.

“ **1576.** He may, at the same time, cause to be surveyed, and boundaries and limits set to mining concessions, in localities which are not yet subdivided, and, in his discretion, cause each lot to be market out in accordance with the meaning of this law. 43-44 V., c. 12, s. 156, and R. S. Q., 1578.

III.—SALE OF LANDS, AND RESERVES OF MINING LANDS.

Lands sold for mines to be sold under this law.

“ **1577.** Lands sold by the Crown for the working of mines in general shall be sold in conformity with the provisions of this law. 43-44 V., c. 12, s. 154, and R. S. Q., 1576.

Lands may be reserved from sale for colonization purposes.

“ **1578.** The Commissioner may, when he sees fit, reserve and withhold from sale, for colonization purposes, lands in which the existence of mines, which may be worked, has been established, with the object of selling them, at a suitable time, as mining concessions. 43-44 V., c. 12, s. 157, and R. S. Q., 1579.

IV.—VALUATION OF TAXABLE MINING LANDS.

Valuation of taxable mining lands for municipal purposes how made.

“ **1579.** In making the valuation of taxable mining lands in a municipality, in which there exists an immoveable property, containing a mine which is being worked, the valuers shall, up to the 24th July, 1900, value such immoveable, without taking into consideration the increased value arising from the existence of such mine, and minerals, ores, pits, shafts, excavations, tunnels, mills, machines and other buildings, structures and dependencies used or to be used exclusively for the working of such mine. 43-44 V., c. 12, s. 122, and R. S. Q., 1544.

V.—REGULATIONS BY THE LIEUTENANT-GOVERNOR.

Regulations by Lieutenant-Governor in Council, respecting Mining licenses;

“ **1580.** The Lieutenant-Governor in Council may, from time to time, make any regulations which he may deem necessary or expedient :

1. For diminishing or increasing the size of lands for which mining licenses are granted under this law, or for altering the shape thereof ;

Prices of mining licenses and concessions;

2. For altering the price, terms and conditions of mining licenses, and for increasing the price of mining concessions ;

3. For reserving land found to be rich in mines and minerals, or for withdrawing them temporarily from sale ;

Reserving, &c., mining lands;

4. For classifying, in one of the two categories of paragraph 11 of article 1421, such ores and minerals which are not therein specially named, or for changing the category of those already therein named ;

Classifying ores and minerals ;

5. For the opening, construction, maintenance and use of the shafts, conduits, sluices, through or upon claims or mining concessions, or on lands under mining license, to facilitate the carriage and passage of water for mining purposes ;

Opening of shafts, &c.;

6. For erecting into mining divisions any part of the Province which he may deem proper, for enlarging or diminishing, from time to time, such divisions, or for abolishing them at any time he may consider necessary ;

Erection of divisions;

7. For establishing and maintaining roads through mining divisions and generally for the better carrying out of the provisions of the present law.

Establishing roads.

All such regulations, after being published in the Quebec Official Gazette, shall have force of law. 43-44 V., c. 12, s. 124; 49-50 V., c. 30, s. 1, and R. S. Q., 1546.

Publication in Gazette.

§ 18.—*Final Provisions.*

" **1581.** The Commissioner shall submit, with his annual return to the Legislature, a statement respecting mines in this Province. 43-44 V., c. 12, s. 159, and R. S. Q., 1581.

Statement respecting mines to be submitted with Commissioner's report.

" **1582.** The forms 1, 2, 3, 4, 5, 6 and 7 of the present law, or any other forms to the same effect, may be employed whenever deemed necessary." 43-44 V., c. 12, s. 163, and R. S. Q., 1582.

Forms 1 to 7 may be employed when necessary.

2. The acts 54 Victoria, chapters 15 and 16, are hereby repealed.

54 V., cc. 15 and 16, repealed.

3. The present act shall not affect any promises of sale of mining concessions which may have been made, under the provisions of the act 54 Victoria, chapter 15, for a greater extent than that authorized by the present law, nor shall it affect any acquired rights.

Act not to affect certain promises of sale, nor acquired rights.

4. The present act shall come into force on the day of its sanction.

Coming into force.

APPENDIX.

SCHEDULE A.

Form of Private Lands' Mining License, where the mining right belongs to the Crown, under article 1460.

Province of }
Quebec. } Mining Division of

E. F. , having paid a fee of five dollars and an annual rent of dollars per acre, is hereby authorized to mine for (*here indicate what mineral*), during twelve months from the day of the month of 18 , upon the lands of (*here give the name of the private owner and describe the land*) in this division, subject to the conditions and restrictions set forth in the Quebec Mining Law and the regulations made in conformity therewith.

Dated at , this day of , 18 .

(*Signature*), A. B.

Commissioner of Crown Lands.

43-44 V., c. 12, Schedule A, and R. S. Q., 1478.

SCHEDULE B.

Form of Public Lands' Mining License, under article 1460.

Province of }
Quebec. } Mining Division of

E. F. , having paid a fee of five dollars and a rent of dollars per acre, is hereby authorized to mine for (*here indicate what mineral*), during twelve months from the day of the month of 18 , upon (*describe the lands*) in this division,

subject to all the conditions and restrictions set forth in the Quebec Mining Law, and to the regulations made in conformity therewith.

Dated at _____, this _____ day of _____, 18 _____.

(Signature,) _____ A. B.

Commissioner of Crown Lands.

43-44 V., c. 12, Schedule B, and R. S. Q., 1478.

SCHEDULE C.

Form of Notice to work upon Private Lands, given 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 intend to mine for (*here indicate the mineral*), on your land ;

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, unless you prefer to take the steps required by law to mine upon your own land, and give notice without delay to the proper person.

Signed at _____, this _____ day of the month of _____, one thousand eight hundred _____, in presence of the Inspector of the Mining Division of _____.

(Signature,) _____ C. D.

Petitioner.

(Countersigned,) _____ A. B.

Inspector of the Mining Division of _____.

43-44 V., c. 12, Schedule G, and R. S. Q., 1484.

SCHEDULE D.

Form of Notice, if the private person refuses to come to a mutual understanding, under articles 1468 and 1471.

Province of }
Quebec. } Mining Division of

Whereas it appears, by the return of service made by _____, bailiff of the Superior Court or by the certificate of service made by _____, constable for the Mining Division of _____, (as the case may be), on the _____ day of the month of _____ one thousand eight hundred _____, that the proprietor of the lot situate and being in the _____ range of _____ (parish or township) in the county of _____, district of _____, which lot is bounded by _____, is absent from the Province or is unknown, or has refused to come to a mutual understanding with the petitioner.

Public notice is hereby given by the undersigned _____, of the parish of _____, county of _____, district of _____ (or having elected his domicile at _____), that:

1. He intends to mine for (*here indicate the mineral*) on the above described lot;

2. He is prepared to pay the sum or rent deemed necessary as compensation for such lot or damages assessed by arbitration according to law; and that

3. The name of his arbitrator is _____, of the parish of _____, county of _____, in the district of _____;

Therefore the said (*name of the proprietor of the lot if known,*) proprietor, is called upon to appoint his arbitrator, within one month from the first insertion of the present notice in the newspapers according to law.

(Signature,)

C. D.

Petitioner

(Countersigned,

A. B.

Inspector of the Mining Division of

43-44 V., c. 12, Schedule H, and R. S. Q., 1487.

SCHEDULE E.

Form of Answer by a private person to a notice requiring the right to mine on his lands, under article 1472.

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 _____ 18____, declare that I desire to enter into an amicable arrangement with you, respecting the mining operations, which you wish to commence on my land, (or if the private person wishes to mine his own land), that I intend to take out a license, within the legal delays, to mine my own land; (and if the private person should appoint an arbitrator) that I have appointed Mr. _____, of the parish (or township) 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 _____, 18____.

(Signature.)

E. F.

Proprietor.

43-44 V., c. 12., Schedule I, and R. S. Q., 1487.

SCHEDULE F.

Form of Notice, respecting the choice and description of mining land, given under articles 1491, 1492 and 1493.

Province of }
Quebec. } Mining Division of

To the Inspector of the Mining Division of

I, (or we) (give the name of the person, firm or company) of _____, give notice :

1. That I have chosen and staked out mining land upon public lands, as follows, to wit : (describe the claim, by its extent, boundaries and exact situation, and produce a plan if necessary) in the parish (or township) of _____ on the _____, day of _____, 18____ ;

2. That, to conform to the Quebec Mining Law, I make an election of domicile at *(the precise locality)*, in the parish (or township) of _____ and require the registration of these presents.

(Date and signature),

Applicant.

47 V., c. 22, s. 26, Schedule C., and R. S. Q., 1508.

SCHEDULE G.

Form of Free License, to the Discoverer of a New Mine, under article 1494.

Province of }
Quebec. } Mining Division of

E. F. _____, of the parish (or township) of _____ in the district of _____, having reported, under the Quebec Mining Law, that he has discovered a new mine in this division, is hereby authorized to personally mine for *(indicate the kind of mineral)* during one year from this _____ day of the month of _____, 18____, throughout the whole extent of the claim described on the back hereof, subject to the conditions and restrictions of the Quebec Mining Law, and of the regulations made in conformity therewith.

This license is not transferable and may be annulled, if it is proved that the pretended discovery did not take place in conformity with the Quebec Mining Law.

Dated at _____, this _____ day of _____, 18____.

(Signature,) _____ A. B.

Commissioner of Crown Lands.

(Endorsed on License.)

Description of Mining land.

Name of the mineral
Extent.....
Locality.....
.....
.....
.....

(Signature,) _____ A. B.

Commissioner of Crown Lands.

43-44 V., c. 12, Schedule D.

SCHEDULE H.

Form of License for a Crushing Mill or Machine, under article 1503.

Province of }
 Quebec. } Mining Division of

E. F. , of the parish (or township) of
 in the district of , having paid a fee
 of five dollars, is hereby authorized to employ and make use
 of a mill or machine, for the crushing or reducing of quartz,
 or obtaining gold or silver therefrom by crushing, stamping,
 amalgamating or otherwise, under the provisions of the
 Quebec Mining Law, subject to the conditions and restric-
 tions set forth in the said law and the regulations made in
 conformity therewith.

Dated at , this day of , 18 .

(Signature,)

A. B.

Commissioner of Crown Lands.

43-44 V., c. 12, Schedule F, and R. S. Q., 1517.

FORMS FOR JUDICIAL PROCEEDINGS, MENTIONED IN
 ARTICLE 1582.

1.—*Form of Declaration*

Province of Quebec, {
 District of . }

Before , Inspector of the Mining Division of

I, the undersigned , of
 the parish of , district of , complainant,
 sue M of the parish of , district of
 , (state the offence or the reasons of the suit), which
 offence was committed contrary to the Quebec Mining Law ;
 Wherefore, I pray judgment, pursuant to law, with costs.

Dated at , this
 day of the month of , 18 .

(Signed,)

C. D.

Complainant.

43-44 V., c. 12, Form 1, and R. S. Q., 1582.

2.—*Form of Inspector's Summons annexed to above Declaration.*

To M. Defendant.

In consequence of the above declaration, you are hereby ordered to appear before me at _____, the day of the month of _____, 18____, at _____ o'clock of the noon, to answer the suit brought against you, otherwise you shall be condemned by default.

Given at _____, this _____ day of the month of _____, 18____.

(Signature,) A. B.,

Inspector of the Mining Division of _____

N. B.—This declaration and summons may be altered so as to apply to other ordinary suits brought in virtue of this law. 43-44 V., c. 12, Form 2, and R. S. Q., 1582.

3.—*Form of Certificate of Service of Summons.*

I, the undersigned, (if he is a bailiff,) certify, under my oath of office, that, on the _____ day of the month of _____, one thousand eight hundred and _____, I served the present summons and declaration upon (the name of the defendant), in the parish of _____, district of _____ at _____ hour of _____ noon, by leaving a certified true copy of these presents, speaking to _____

Certified at _____, this _____ day of the month of _____, 18____.

If the service is made by a constable.

I, the undersigned _____, constable of the Mining Division of _____, being duly sworn on the Holy Evangelists, certify by these presents, under the oath which I have just taken, that on (etc.) I served (etc.) (as above.)

(Signature,) E. F.

Sworn before me, at _____, this _____ day }
of the month of _____, 18____ }

(Signed,) G. H.

Justice of the Peace.

N. B.—Every other return of service may be made in the above form, with the alterations required.

43-44 V., c. 12, Form 3, and R. S. Q., 1582.

4.—*Form of Conviction.*

Province of Quebec, }
 District of . }

Be it known that on the day of the month of
 18 , at , in the district of
 M. (*name of the defendant*.) was condemned by me
 , Inspector of the Mining Division of , for
 that he the said (*defendant*) did (*state the reasons for conviction*.) and that I do condemn the said (*defendant*) for such
 to pay to the said (*prosecutor*) the
 sum of and costs.

Given under my hand and seal at , this
 day of the month of , 18 ,

(L. S.) (*Signature*.) A. B.

Inspector of the Mining Division of .

N. B.—*The copy to be given to the defendant or left at his domicile shall be a true copy, certified by the inspector.*

43-44 V., c. 12, Form 4, and R. S. Q., 1582.

5.—*Form of Distress Warrant.*

Province of Quebec, }
 District of . }

(*Name of Inspector*) Justice of the Peace for the Mining
 Division of .

To all and every the bailiffs or constables in, and for the
 Mining Division of .

Whereas, on day of the month of 18 ,
 at , M. (*name of the defendant*) of ,
 was condemned by me, for having (*reasons of the conviction*.)
 at the suit of to pay the sum of
 and the costs ;

Wherefore you, and each of you are hereby ordered to
 seize and attach the goods and chattels of ,
 wherever you may find the same within this District, to
 satisfy the judgment, and levy, on the sale thereof, the sum
 of , over and above the costs of seizure and

sale ; and you shall make a certified return thereof to me.

Herein fail not.

Given under my hand and seal, at _____, this _____ day of
the month of _____, 18 _____.

(L. S.) _____ (Signed,) A. B.

Inspector of the Mining Division of _____.

43-44 V., c. 12, Form 5, and R. S. Q., 1582.

6.—*Form of Warrant for Imprisonment in default of goods
and chattels, in cases of penalties.*

Province of Quebec, }
District of _____ }

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

To all and every the bailiffs or constables of the Mining
Division of _____ and to the keeper
of the common gaol of the district of _____ :

Whereas on _____ day of the month of _____, 18 _____,
at _____, M. (*name of the defendant*), of _____,
was condemned by me, for having (*reasons of conviction*) to
pay the sum of _____, and the costs ;

Whereas a writ of execution was issued by me on the
day of the month of _____, 18 _____,

And whereas, by the return to me made by
bailiff (*or constable*), dated the _____ day of the month
of _____, 18 _____, the defendant had no moveable
effects, or (*as the case may be*) not sufficient moveables to
satisfy the judgment rendered against him ;

Therefore, I hereby command you to arrest the said M.
_____, and to convey him to the common gaol
of the district of _____, and there to deliver him
to the keeper thereof, together with this warrant ; and I
command you, the said keeper, to receive the said M.

_____ into your custody, and to keep him in prison
during _____ dating from the day of his incarce-
ration, unless the said sum of _____ be, before that
time, paid to you, the said keeper.

And, for your so doing, this shall be your sufficient war-
rant.

Given, &c., (*as in preceding form.*)

43-44 V., c. 12, Form 6, and R. S. Q., 1582.

7.—*Form of Warrant to Imprison, without the issue of a Distress Warrant, in cases of penalties.*

Province of Quebec, }
 District of . }

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

To all and every the bailiffs or constables of the Mining Division of , and to the keeper of the common gaol of the District of

Whereas, at , on the day of the month of , one thousand eight hundred and , M. (*name of defendant*), of district of , was condemned by me, for having (*state the reasons of conviction*) and that, for such reasons, he was sentenced to pay the sum of and the costs ; and whereas the said M. has neglected to pay such sum ;

Therefore, I hereby command you to arrest the said M. , and to convey him forthwith to the common gaol of the district of , and to deliver him to the keeper of the said gaol ; and I command you, the said keeper, to imprison the said M. for the space of from the date of his incarceration, unless the said sum of , and all the costs of imprisonment shall be sooner paid to you the said keeper.

And, for your so doing, this shall be your sufficient warrant.

Given, &c., (*as in form No. 5.*)

43-44 V., c. 12, Form 7, and R. S. Q., 1582.