

FORM C.

OATH OF OFFICE TO BE TAKEN BY A CULLER BEFORE
RECEIVING HIS LICENSE.

I

do solemnly swear that I will perform the duties of culler without fear, favour or affection, that I will cull and measure correctly all timber cut upon Crown Lands or on which there may be any dues whatsoever to be collected by the Crown for administrative or revenue purposes, and that I will make true returns of the same to the Department of Crown Lands or its agents when so required.

E. F.

Sworn before me	}
at this	
day of 18	
C. D.	
Justice of the peace.	}

CAP. XV.

An Act to amend and consolidate the Mining Law.

[Assented to 30th December, 1890.]

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

1. Section ninth of chapter sixth of title fourth of the Revised Statutes of the Province of Quebec is repealed and replaced by the following :

" SECTION IX.

MINES.

§ 1.—*Interpretative and Declaratory.*

" 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 :

Citation of
act and inter-
pretation.

- ‘ Mine ’ and ‘ mining.’ 1. The words ‘ 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 gold or silver, or other minerals, whether the same may have been previously worked or not ;
- ‘ Gold,’ ‘ silver.’ 2. The words ‘ gold ’ or ‘ silver ’ respectively mean and designate gold or silver, as well as any earth, clay, quartz, stone, mineral or other substance, containing such metals or having the same mixed therewith ;
- ‘ Alluvial mines.’ 3. The words ‘ alluvial mines ’ mean and designate all soil or strata containing gold ;
- ‘ Mines,’ ‘ minerals.’ 4. 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 any mineral substance having an appreciable value ;
- ‘ Mining division.’ 5. The words ‘ mining division ’ mean and designate any tract of country declared to be a mining division under this law ;
- ‘ Public lands.’ 6. The words ‘ public 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 Seigniori of Lauzon, which have not been alienated by the Crown ;
- ‘ Crown lands.’ 7. The words ‘ Crown lands ’ have the same meaning as the words ‘ public lands ;’
- ‘ Private lands.’ 8. 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.’ 9. The words ‘ private person ’ mean any person who occupies a lot of land, in virtue of any title whatsoever, upon which mines or minerals exist or are supposed to exist ;
- ‘ Party wall.’ 10. The words ‘ party wall ’ or *passage* designate a bank of earth or rock left between two excavations ;
- ‘ Mill license.’ 11. The words ‘ mill license ’ mean a permit to use machinery for the purpose of extracting gold or silver from rock or quartz ;
- ‘ Licensed mill.’ 12. The words ‘ licensed mills ’ designate the mills or machines so licensed ; and the words ‘ licensed mill-owner ’ designate the person to whom any such license has been granted ;
- ‘ Licensed mills-owner.’ 13. The word ‘ miner ’ designates any person employed in mining, or in any work connected therewith, in any capacity whatsoever, except the workmen temporarily employed in the construction or repair of the surface buildings ;
- ‘ Miner.’ 14. The words ‘ mining concession ’ mean any tract of country sold for mining purposes ;
- ‘ Mining concession.’

15. The words 'prospecting or exploration and mining permit' mean the permit obtained for the purpose of ascertaining the mining value of any land ; 'Prospecting or exploration and mining permit.'

16. The words 'sale' means the title giving the right to work a mine, as proprietor ; 'Sale.'

17. All measurements and distances under this section are made and taken to be according to English measurement. Measurements are English.

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

"1422. Aliens, as well as British subjects, may enjoy the benefit of this law, by complying with its provisions and submitting thereto. Rights of aliens.

"1423. It shall not be necessary, in any letters-patent for 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. Reserve of mining rights.

"1424. 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. Mining rights to be property separate from the soil.

"1425. As it is admitted that mines, whether upon public or private lands, belong to the Crown, any person discovering a mine may purchase the same, by complying with the provisions of this law. Mines being Crown property, method of acquiring mining rights.

Upon private lands, however, the occupant of the surface has the first right to purchase such mine, upon the conditions imposed by law and the regulations. Rights of owner of surface.

§ 3.—*Royalty.*

"1426. From the first day of May, 1891, a royalty shall be levied in favour of the Crown upon every mine which is now or may hereafter be sold, conceded or otherwise alienated. Royalty in favor of the Crown.

Such royalty shall, unless otherwise determined by letters-patent already granted, consist of a percentage of three per cent of the merchantable value of the products of all mines and minerals, upon the following : In what it consists on certain minerals.

Iron including iron pyrites and chromic and titanite iron ores ;

Copper ;

Nickel and Cobalt ;

Manganese ;

Antimony ;

Gold, including alluvial gold ;

Mercury ;

Tin ;

Amianthus ;

Lead ;	Phosphate of Lime ;
Zinc ;	Graphyte ;
Aluminium ;	Mica ;
Molybdenum ;	Coal ;
Baryta ;	Petroleum ;
Silver ;	Ochre ;
	Soap stone ;

On gold and silver. On gold $2\frac{1}{2}$ per cent of the gross weight estimated at \$18.00 per ounce, and on silver $2\frac{1}{2}$ per cent of the gross weight.

If royalty not paid within certain time, warrant may issue to levy same.

" 1427. Whenever the royalty upon extracted minerals has not been paid within the delays fixed, the Lieutenant-Governor in Council may allow the Commissioner to issue a warrant addressed to the sheriff of the district in which such royalty is due, ordering him to levy the same upon the goods and chattels used in the working of the mine.

Sale, if royalty not paid in twenty days thereafter.

If, within twenty days after the seizure of such goods and chattels, the royalty is not paid, the sheriff, after having given ten days' notice, proceeds to the sale of the whole or of a sufficient portion of such goods and chattels to pay the said royalty and the costs.

Return to warrant.

Within thirty days after the issue of the warrant, the sheriff makes a return to the Commissioner of the sale and of the amount paid upon such royalty.

Costs on such warrant.

The sheriff's costs in such case are the same as on a writ of execution.

§ 4.—Mines' office in the Department of Crown Lands and registers kept there.

Registers to be kept in mines' office of Department and also plans.

" 1428. In the mines' office in the Department, a register is kept for exploration permits, a register for sales of mining concessions, and a plan showing the mining divisions, the mining concessions and the exploration permits.

Registers and plans to be open to public on payment of fees.

Such registers and plans are kept constantly open to the inspection of the public, who may inspect them upon paying a fee of twenty cents.

Entries to be made in register of exploration permits.

" 1429. In the register of exploration permits are entered the applications made for such permits, the exact time when made, the sums paid, and the names in full of those making such applications.

Entries to be made in sales' register.

" 1430. In the register for sales are entered the same information as in the preceding register, and, further, the numbers of the mining concessions, the numbers of the sales, the mineral intended to be mined, and all other information and remarks that may be useful.

" 1431. In the mines' office there are kept plans of the different mining divisions in the Province, upon which are traced as carefully as possible the mining concessions and the lands under exploration permits. Plans to be kept in mines' office.

There are also further kept in the said office similar maps for all other mines that are not sold under this law.

" 1432. A register is also kept containing the quarterly returns of the miners, with all information requisite for the compilation of mining statistics. Register of quarterly mining returns.

§ 5.—*Officers in Mining Divisions.*

I. APPOINTMENT AND CONTROL OF SUCH OFFICERS.

" 1433. The Lieutenant-Governor in Council may appoint the officers he deems necessary for the carrying out of this law and fix their rank and salaries. Appointment of officers by Lieutenant-Governor.

Such officers are under the general control and management of the Commissioner of Crown Lands. Officers to be under control of Commissioner.

" 1434. All inspectors, policemen or police force, appointed by the Lieutenant-Governor in Council, when such appointments are deemed necessary, are bound to perform the duties assigned to them by Order in Council in addition to those prescribed by this law. Inspectors, &c., to perform duties assigned to them.

" 1435. 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 (*names of the divisions*), as the case may be. Inspectors may be appointed for one or more divisions, &c. Name.

" 1436. If, in any mining division, no inspector has been appointed, or if there be one, and he is unable, for any reason whatsoever, to perform the duties of his office, the Commissioner may order an officer of his department to temporarily perform the duties of inspector in such division. Duties of inspector may be temporarily performed by officers of department.

" 1437. 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, authority and immunities of constables and peace officers, and all such additional powers and authority as the Lieutenant-Governor in Council may confer on them. Duties and powers of police force.

They may also be employed in such duties as the Lieutenant-Governor may, from time to time, determine. Other duties.

II. DUTIES OF INSPECTORS.

Accountability of inspector and other officers.

" 1438. Every inspector or other officer who receives public moneys, under this 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.

Duties of inspector in such cases.

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.

III. GENERAL POWERS OF INSPECTORS.

Power of inspector to appoint constables.

" 1439. The inspector may, with the approval of the Commissioner, from time to time, appoint constables.

The persons so appointed, are hereby respectively constituted constables and peace officers, for the purpose of this law, for the time and in the mining divisions for which they are respectively appointed.

Powers of inspector with respect to constables, &c.

" 1440. The inspector has special control over the constables and police force appointed for his division.

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

May suspend, &c., constables.

With the approval of the Commissioner, he has absolute power, at any time, to suspend them from their functions and, with respect to constables, to remove and replacethem.

Powers of such constables.

All such constables, while in office, have all the powers authority, rights and privileges, conferred on the police force of the cities of Quebec and Montreal, respectively, by the provisions of sections one and four of chapter first of title seventh of these Revised Statutes.

Registers to be kept by inspector.

" 1441. Every inspector is bound to keep the registers mentioned in article 1428, according to instructions from the Commissioner,

Open to inspection upon payment of fees.

All such registers are to be open to public inspection upon payment of a fee of twenty cents to the inspector.

Power of inspectors and officers to enter upon mines being worked.

" 1442. Every inspector in a mining division, or any person authorized by him or by the Commissioner, 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 undertaken 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.

"1443. No inspector of a mining division can, without the permission of the Lieutenant-Governor in Council, 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, under the penalties mentioned in article 1546.

Inspector not to take shares or interest in mines in his division without permission of Lieutenant-Governor.

IV.—POWERS OF INSPECTORS AS JUSTICES OF THE PEACE.

"1444. 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.

Inspector *ex-officio* justice of the peace.

"1445. It is not necessary that the inspector have any property qualification, to allow of his lawfully acting as a justice of the peace.

Property qualification not required.

"1446. As a justice of the peace, the inspector possesses (except in suits relating to rights or titles to immoveable property, in which he must decline to act, if such cases arise,) 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.

Jurisdiction of inspector.

2. He decides, in a summary manner, all contestations respecting the dimensions or boundaries of mining concessions, the use of water-courses, the approaches thereto, the damages caused to other persons by holders of exploration permits or deeds of sale, and his decision is final and without appeal in all things within his jurisdiction.

Power of inspector in giving decisions.

No appeal.

"1447. The inspector 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*.

Jurisdiction of mining inspector.

2. The proceedings are summary.

Proceedings summary.

3. For the execution of judgments rendered under this law, the proceedings are the same as those in the Circuit Court, and the inspector may, if necessary, issue writs of execution to seize immoveable property in the cases in which they are permitted in the Circuit Court.

Execution of judgments.

4. He may also issue writs of seizure before judgment, or seizures by garnishment.

Attachments.

Execution and
return of writs
de terris.

5. In cases of seizures of immoveable property, the writ of execution shall be executed by the sheriff of the district and shall be returnable and returned into the office of the prothonotary of the Superior Court of the district, in which all proceedings thereon shall be continued in conformity with the provisions of the Code of Civil Procedure.

May summon
defendant.

" 1448. He may, by writ of summons, cause defendants to appear before him.

Witnesses.

" 1449. He may summon any person who is pointed out to him as an important witness in a case.

Fine witness
refusing to
appear, &c.

" 1450. He may condemn a witness to the penalties mentioned in article 1548, whenever he refuses to appear, when lawfully summoned, or refuses to take the oath and to answer the questions put to him.

May take
evidence in
writing.

" 1451. Upon the application of the plaintiff or of the defendant, the inspector may, in his discretion, receive and cause to be taken in writing, the depositions of the witnesses then present and adjourn the case to a future day, which he shall fix for such purpose.

Decides sum-
marily.

" 1452. He may, in the presence or absence of the defendant, determine such complaint, 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 any person or company to labourers or servants, together with such costs as he may deem reasonable, by a warrant of distress and sale of the defendant's goods and chattels.

Convict on
view.

" 1453. He may, moreover, within his division, convict upon view, any person for any contravention punishable under the provisions of this law or the regulations made in virtue thereof.

Settle all diffi-
culties.

" 1454. The inspector may, in general, settle any difficulty, matter or thing arising from the provisions of this law, or in contravention thereof, as well as of the regulations made under such provisions.

§ 6.—*Mining explorations and exploration permits.*

Prospecting
upon lands
not occupied
as mining
concessions.

" 1455. Every person, firm or company may explore and prospect for the discovery of mines and minerals upon public lands not already occupied as mining concessions or otherwise.

" 1456. Any person, firm or company may obtain from the Commissioner an exploration permit, with a right to make all necessary works, to establish the mining value of any land. Permits for mining explorations.

Such permit is valid for three months.

Duration of permit.

" 1457. The application for such permit, 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 : Contents of application.

1. If the mine is upon private lands, five dollars for every fifty acres ; Fees thereon if: For private lands ;

2. If the mine is upon Crown Lands, ten dollars for every fifty acres. For Crown lands.

" 1458. The holder of such permit may afterwards purchase such mine, by paying the price mentioned in this law and by complying therewith and with the regulations made thereunder ; the whole subject however to the right of preference allowed to the proprietor of the surface, to the exclusion of any other, to acquire the mines and minerals found or that may be afterwards found under the surface of his property. Purchase of mine by holder of permit. Proviso.

" 1459. The applicant 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 surface, in making such searches or explorations. Security to be furnished by applicant.

" 1460. Whoever, under such permission, searches and prospects as aforesaid, shall make a report to the Commissioner of the result of his operations during the course of one month after the expiration of such permit. Report to Commissioner of result of operations.

§ 7.—*Sale of Mining concessions, their extent and price.*

" 1461. Any person may obtain from the Commissioner the sale of one or more mining concessions upon the following conditions : Conditions of sale of mining concessions:

1. Upon private lands, after the owners thereof have been placed *in morâ* to take a sale thereof, if they refuse to avail themselves of such right ; the whole in conformity with this law. Upon private lands;

2. Upon public lands, by complying with the provisions of this law. Upon public lands.

" 1462. No application for the sale of a mining concession shall be made, the rights whereof are in dispute before the Commissioner. No sale of rights which are in dispute.

Minimum
price of min-
ing conces-
sions:
Iron and
ochre;
Other mine-
rals.

“ **1463.** The minimum price of sale of mining concessions is the following :

1. Iron and ochre two dollars per acre.
2. All other minerals, including gold, silver, asbestos, lead, mica, graphite, plumbago, copper, and generally all minerals other than iron and ochre, five dollars per acre.

Sale of mining
concessions.

“ **1464.** 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.

By auction
after adverti-
sement, &c.

Such sale is made by public auction, after notice duly given and published, during at least four weeks, in the French and English languages, 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 Quebec, Montreal and Ottawa.

Upset price at
such sale.

At each such sale, the upset price or first bid shall be as in the preceding article.

Area of min-
ing conces-
sions.

“ **1465.** A mining concession comprises a superficial extent of fifty acres at least and of one hundred acres at most.

Direction of
exterior lines.

“ **1466.** The direction of the exterior lines of mining concessions shall be determined by the Commissioner.

Unsurveyed
mining conces-
sions to be
surveyed.

“ **1467.** All mining concessions, comprised in 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 upon the office maps of such territory of record in the Department.

At whose cost,
&c.

“ **1468.** Such surveys are made at the cost of the applicants, who are required to furnish, with their application, the plan of the surveyor establishing the position and dimensions of the concessions they desire to acquire, with the field-notes and *procès-verbal* of the operations; the whole in conformity with the present law and to the satisfaction of the Commissioner.

Mining in
fields, gardens
&c., prohibit-
ed unless with
consent of
owner of soil.

“ **1469.** No permit to search for mines, or sale of a mining concession shall, without the formal consent of the proprietor of the soil, give a right to explore and 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.

“1470. No sale shall be granted under this law, unless there be some real indications of the presence of minerals in the concession. Sale not to be granted unless real indications of minerals.

The proof of such indications must be shown by the exhibition of specimens of minerals found upon or in such land accompanied by affidavits of competent and credible persons, establishing that the specimens exhibited came therefrom. Specimens to be produced with affidavit.

“1471. The owners of timber limits have, in virtue of their license, the privilege of cutting the merchantable timber growing upon all mining concessions in their limits : such right expiring after a period of three years from the issue of the deed of sale. Owners of limits may cut timber for certain time on mining concessions sold.

Nevertheless, the owners of such mining concessions have 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. Exception.

“1472. When mining concessions are upon the borders of lakes or rivers they are subject to the rights of the public on navigable and floatable waters. Rights of public in navigable and floatable waters preserved.

“1473. The owner of a mining concession cannot make use of any part of the surface of the land for other purposes than for opening up roads, executing works and erecting buildings thereon connected with the more advantageous working of the mine. Owners of mining concessions not to make use of surface except for certain purposes.

“1474. For this purpose, the expropriation of such lands is made in the manner set forth in subsection 10 of this law. Expropriation for such purposes.

“1475. All roads and water-courses upon mining concessions, whether expressly reserved or not in the deed of sale, belong to the Crown, and are subject to the regulations made by the Lieutenant-Governor in Council, as established by this law. Roads and water-courses in mining concessions belong to Crown.

§ 8.—*Cancelling of sales of mining concessions.*

“1476. The deed of sale of a mining concession may be annulled in default of payment of the royalty, or if the holder of the title ceases working on his concession for two years, or neglects to comply with the clauses and stipulation of such deed. Sale of mining concession may be annulled if royalty not paid, &c., or if mine not worked for two years, &c.

“1477. The above delay may be prolonged by the Lieutenant-Governor in Council, for grave reasons and upon special report of the Commissioner. Delay may be extended.

Proceedings to annul sale if mine not worked for two years.

“**1478.** Whenever it has come to the knowledge of the Commissioner that a mining concession, sold under this law, has been abandoned for two years, or has not been continuously and efficiently worked, but has been worked only in a simulated manner with a view of preventing the annulling of the deed of sale thereof, the Commissioner may order that a notice be given to the owner, or in his default to his representative or principal employee, and order that such notice be posted upon such mining concession, in case none of such above mentioned persons can be found, informing him of the facts alleged and fixing a time, which shall not be less than twelve months after the service or posting of such notice, and also a place where the proof shall be entered into.

Inquiry by Commissioner.

“**1479.** At the time and place fixed, the Commissioner proceeds with the inquiry into such facts and gives his decision.

Service or posting of decision.

Notice of such decision is served or posted as above set forth.

Sale not to be annulled in certain event.

“**1480.** Such sale is not annulled, if the owner or his representatives have commenced or continued, within the space of the twelve months, effective work, to the satisfaction of the Commissioner

Examination of witnesses on oath.

“**1481.** The Commissioner has power to examine witnesses upon oath and to hear any person respecting the mining operations.

Notice, if sale annulled.

“**1482.** If the sale is annulled, notice thereof is given by service or posting as prescribed in article 1478.

Effect of annulling deed of sale.

“**1483.** Whenever a deed of sale is annulled, the mining concession reverts *pleno jure* to the Crown, which may again dispose of the same without other formality and without incurring damages of any nature or kind whatsoever.

§ 9.—*Procedure to obtain exploration permits, and the sale of mining concessions.*

Application to be made for permit to explore or to mine.

“**1484.** To obtain a permit to explore and to mine, it suffices if an application be made to the Department of Crown Lands, specifying the lot as indicated in article 1457.

How made and signed.

Such application shall be made in writing by the applicant or his authorized agent, and be accompanied by the fee fixed by the said article.

Fee thereon.
Entry in register.

It is immediately entered in a register kept for that purpose, with an entry of the precise time of its being made.

"1485. With the application for the sale of a mining concession there shall be produced :

1. An affidavit, accompanied by specimens showing the minerals discovered ;

2. A description, as exact as possible, of the concession applied for, with a plan thereof drawn to a scale of five chains to the inch ;

3. A document establishing that an agreement has been entered into with the proprietor of the surface for the use of the lands necessary for working the mine ;

4. Security, to the satisfaction of the Commissioner, to provide for the damages that may be caused to private lands, or for the costs of arbitration if any.

"1486. Within a delay of fifteen days after the production of the documents mentioned in the preceding article, the Commissioner grants or refuses the deed of sale.

"1487. The sale comprises the obligation, under pain of its being annulled, to comply with the provisions of this law.

It comprises further all special stipulations which the Commissioner deems proper to insert therein.

"1488. The deeds of sale are made in duplicate, one of which must be preserved in the Department of Crown Lands.

§ 10.—*Arbitrations.*

"1489. Whenever a private person refuses to work a mine on his land, or to enter into arrangements for the working thereof with any other person, upon petition of such person, a notice is served upon such private person by the Commissioner calling upon him to exercise his right of pre-emption.

"1490. 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 arrangement, if present, and if absent from the Province twice these delays, and in the latter case the notice shall be inserted, in French and English, three times in a newspaper of the district, if there be such newspaper, if not, in a newspaper of a neighbouring district.

"1491. If the private person refuses to work without giving valid reasons therefor, the petitioner may then cause a plan of the land, absolutely necessary for his mining operations, to be made by a sworn land surveyor,

What notice
to contain.

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, containing :

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 be not accepted, also a demand upon the said private person to appoint and declare the name of his arbitrator.

Delay to
answer notice.

" 1492. The delay to answer such notice is ten clear days, if the adverse party who is to answer be present in this Province.

Publication of
notice, if
adverse party
absent.

If the adverse party be absent from the Province, or be 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 above mentioned notice, be inserted three times in the French and English languages during ten days in a newspaper published in such district, or, if there be none published in such district, then in a newspaper of a neighbouring district.

If within de-
lay, adverse
party does not
accept or
name arbitra-
tor, inspector
appoints sole
arbitrator.

" 1493. 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 adverse party do not inform the petitioner that he accepts his offers, or do not give the name of the arbitrator appointed by him, then the inspector of the mining division, upon application of the petitioner, appoints a competent person to be sole arbitrator, to determine the compensation to be given.

If he names
one, the two
appoint a
third.

" 1494. If the adverse 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.

Meeting of
arbitrators to
appoint third.

" 1495. 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.

If they cannot
agree, third
appointed by
inspector.

" 1496. If the two arbitrators cannot agree upon the choice of a third, the inspector is bound, upon application of any of the parties, notice having been previously given,

at least two clear days before, to the other, to appoint such third arbitrator.

1497. 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.

Oath of arbitrators and commencement of operations.
Award final.

1498. 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 required.

The arbitrators may require the deposit of any other sum deemed necessary during the proceedings.

Additional deposit.

1499. No award can be given and no official act done by the majority of the arbitrators, unless at a meeting of which the third arbitrator has received notice, at least two clear days before, of the time and place at which such meeting is to be held.

Notice by majority of arbitrators to other, necessary in certain cases.

The service of a notice on the parties is not necessary.

Notice to parties not required.

1500. In deciding upon the value or the compensation to be paid, the arbitrators are 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.

What to be considered in valuation by arbitrators.

1501. If the arbitrators be not satisfied with the plan drawn by the land surveyor, as mentioned in article 1491, they may cause another to be made, at the expense of the petitioner, by any other land surveyor, to whom they have a right to give the necessary instructions.

Power of arbitrators to have another plan made.

1502. The arbitrators, in proceeding with such arbitration, must allow only the land, strictly requisite for mining purposes.

Extent of land to be allowed.

1503. 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 do not allow him a higher compensation than that offered before the arbitration.

Costs of arbitration.

In all cases, the costs are taxed by the inspector of the mining division.

To be taxed.

Arbitrators may swear the parties and witnesses.

“ **1504.** The arbitrators may swear the parties and their witnesses, and, in their discretion, interrogate them under oath or solemn affirmation.

In case of death of sole arbitrator.

“ **1505.** 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.

Deposit of amount of award with inspector.

“ **1506.** When the award of the arbitrators or of the sole arbitrator 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.

Receipt to be given by inspector.

“ **1507.** The inspector must give a receipt for the sums so paid, and, without delay, give a permission in writing to the applicant to commence mining ; but no such 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.

Distribution of moneys.

“ **1508.** 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.

Right of way over neighbouring lands, how acquired.

“ **1509.** Every petitioner, as aforesaid, may also, by following the procedure above set forth, obtain, from neighbouring 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 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.

Proviso.

Application of article.

2. The present article is applicable to every person who works a mine of any kind in this Province.

Default of petitioner to mine in good faith, &c.

“ **1510.** If the petitioner, after the award of the arbitrators is given, does not, *bona fide*, proceed within two months to work the mine sold to him, or if he discontinues work for the space of eight months without an authorization given to him by the Lieutenant-Governor in Council, the award, on a petition to that effect, becomes *pleno jure* null and void, and the petitioner can no longer work such mine, which may be again sold, without

Resale of mine.

the previous owner having the right to claim any damage on account of such new sale.

"1511. Notice of the application for delay must be given to the opposite party, eight days before applying for the same. Notice of application for delay to be given.

"1512. The party expropriated may, on the day specified, show cause against the granting of such delay, before the Lieutenant-Governor in Council. Opposition to application.

§ 11.—Owners of mines, holders of exploration permits and their duties.

"1513. Owners of mining concessions and holders of exploration permits shall comply with all the requirements of this law, as well as of the regulations passed by the Lieutenant-Governor in Council in accordance therewith. Requirements of law and regulations thereunder to be complied with, by owners &c.

"1514. They are bound 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 their concessions, and to afford them the facilities and assistance necessary for such purpose, under a penalty of the fine mentioned in article 1547. Bound to allow inspector, &c., to enter lands.

"1515. They shall, as soon as they obtain their mining concessions, cause to be set up at each corner thereof a post of stone or other durable material of such nature, size, and dimensions as the Commissioner shall determine. Posts to be set up at corners of lots, &c.

Each post is distinguished by suitable letters or inscriptions engraved or marked in some way to designate the corner at which it is placed. Marks on post.

"1516. In the case of a mining concession of which some corner is covered by water, or in the case where the placing of such posts would be a public or private nuisance, such post may, with the consent of the Commissioner, be placed upon the land adjacent to such corner or in such other place, as may be approved by the latter. If corner covered by water, &c.

"1517. When the posts have to be placed on the line between two mining concessions, the last owner shall give notice to his neighbours that a survey will be made for the purpose of defining the boundaries of the mining concessions and of placing the posts required by law. If posts to be placed on line between two concessions, notice to be given to neighbours.

"1518. Such survey shall be made within the ten days following the receipt of such notice. When survey to be made, thereafter.

By whom to
be made.

It shall be made by a sworn land surveyor, the selection of whom is approved by the Commissioner, to whom such surveyor sends in a report with a correct plan.

If no com-
plaint made,
boundaries
so fixed are
to be taken as
correct.

“ **1519.** If within the forty days following the report, no complaint be made to the Commissioner that the boundaries of the mining concessions do not agree with those originally fixed, the boundaries of the mining concessions so determined by the surveyor are, as between the various owners, the correct and true boundaries of the said mining concessions.

If boundaries
not fixed
during year,
Commis-
sioner to have
same fixed.

“ **1520.** If, during the course of the year, owing to disagreement or otherwise, the boundaries are not determined as required by law, the Commissioner may cause the survey of the mining concessions to be made to determine the boundaries thereof; and the boundaries so determined shall be considered as definitely so.

Costs of
survey, &c.,
by whom
payable.

“ **1521.** The costs of such survey and setting of bounds as well as of setting up the posts are payable by the applicant.

Replacing of
destroyed,
&c., posts.

“ **1522.** Every post which is destroyed or removed shall be replaced at the expense of the owner within one month, and the proceedings to have it replaced shall be the same as for the original survey.

Damages to
be paid to
owner of sur-
face.

“ **1523.** If need be, the owner of the mine shall pay to the owner of the surface the damages that may be caused by the taking possession and the opening and working of the mine.

Quarterly
report by
owners to
Commis-
sioner.

“ **1524.** On or before the tenth day of each of the months of January, April, July and October of each year, the owner, or his agents, shall send a report to the Commissioner.

Contents of
report.

“ **1525.** Such report shall contain, with the numbers of the mining concessions, a statement of the ores worked, the number of men generally employed inside or outside the mine, the various classes of persons employed, and the description of all shafts, quarries, inclined galleries, working levels, plant, machinery, tramways, railways, openings, open spaces, pushed, made or constructed during the previous quarter.

Report as to
ores, &c.

“ **1526.** It shall mention the quantity of ore extracted, stating the nature, quality or yield, the probable use and destination thereof, as well as the market value thereof at the mine.

" **1527.** Such report, signed by the owner, or his agent, shall be accompanied by an affidavit, establishing the exact quantity of ore extracted during the previous quarter, as well as the amount of royalty collected thereon. Affidavit to accompany report and what to contain.

" **1528.** In the case of ore sent to licensed mills, there shall be given, with the name of the mill, the precise date and weight for each lot and the quantity of metal obtained from each lot. Report respecting ore sent to licensed mills.

" **1529.** The amount of the royalty shall be paid to the inspector of the mining division or to the Department of Crown Lands in the same delay as that specified for filing the report and affidavit. Payment of royalty when to be made.

§ 12.—*Quartz Mills.*

" **1530.** Every person who desires to employ or make use of any mill or machinery, other than those worked by hand, within or near any mining division for the crushing or reduction of quartz for the obtaining of gold or silver therefrom, by crushing, stamping, amalgamating or otherwise, is required, under the penalties mentioned in article 1543, to obtain beforehand a special license therefor, from the inspector of the mining division upon payment of a fee of five dollars. License for mills. Fee thereon.

§ 13.—*Mill-owners and their duties.*

" **1531.** Every licensed mill-owner is required, under the penalties mentioned in article 1544, to keep a register in which he is bound to enter a clear and distinct statement of all quartz crushed, reduced or amalgamated at such licensed mill, and also the following particulars: Mill-owner to keep register. What to contain.

1. The name of the 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 gold from each such parcel or lot;
5. The number of the license of the person who has worked such claim.

" **1532.** Every owner of such a mill, or, if it be a company, every agent or manager of such company, is bound, under the penalties mentioned in article 1544, to furnish monthly, to the inspector of the mining division, a return under oath, compiled from the register containing the aforesaid statements and details for each day of the month then last past, together with such other information as the Monthly statement to inspector and what to contain.

inspector or the Lieutenant-Governor in Council may require.

§ 14.—*Lieutenant-Governor in Council and his powers.*

I.—REGULATIONS.

Regulations may be made:

For determining form, &c., of mining concessions.

For opening, &c., ditches, sluices, &c.

For establishing roads, &c.

For erecting portions of Province into mining divisions, &c.

After publication to have force of law.

“**1533.** The Lieutenant-Governor in Council may, from time to time, make any regulation which he may deem necessary or expedient:

1. For determining the form and extent of the mining concessions in view of their situation, the nature and value of the mineral deposits, the richness of the mine and the greater or lesser facility of working the same;

2. For the opening, construction, maintenance and use of the ditches, conduits or sluices, through or upon mining concessions, to facilitate the carriage and passage of water for mining purposes;

3. For establishing and maintaining roads through mining divisions, and generally for the better carrying out of the provisions of this law;

4. For erecting such portion of the Province as he may deem advisable, into a mining division, for increasing or diminishing such division, from time to time, or for abolishing the same whenever he deems necessary.

All such regulations, after being published in the Quebec Official Gazette, shall have force of law.

II.—RIOTS IN THE VICINITY OF WORKS.

Law respecting riots near public works may be enforced by proclamation. (art 1843 *et seq.*)

May be discontinued.

“**1534.** The Lieutenant-Governor in Council may, by proclamation, whenever he deems it expedient, 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 divisions mentioned in the proclamation.

2. 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.

Not to have effect in any city.

“**1535.** No such proclamation can have any effect within the limits of a city.

§ 15.—*Penalties.*

Penalty upon persons mining without a permit, &c.

“**1536.** Whosoever mines, either for himself or for another, in a mining division, without an exploration permit

or sale therefor, is liable to a fine not exceeding ten dollars and costs, for every day of such contravention, or, in default of payment, to imprisonment for a period not exceeding one month.

“ **1537.** Whosoever commences mining, without having furnished to the inspector his name, the full designation and description of the mining concession, and declared his place of residence, if required so to do, is liable to a fine not exceeding twenty dollars and costs, or, in default of payment, to imprisonment for a period not exceeding one month. Working without giving full descriptions of concession ;

“ **1538.** 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, upon summary conviction thereof, before the inspector of the mining division, to a fine not exceeding five dollars and costs, or, in default of payment, to imprisonment for a period not exceeding one month. Obstructing a party wall or passage ;

“ **1539.** 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. Removing party wall or passage ;

“ **1540.** Whosoever, while engaged in working a mining concession, causes damage or injury to the occupant of another concession by throwing earth, clay, stones or other material in and upon such other concession, or by causing or allowing any water, which may be pumped or baled, or which may flow from his concession, to flow into or upon such other concession, is liable to a fine not exceeding five dollars and costs, or, in default of payment, to imprisonment for a period not exceeding one month. Damaging other concessions.

“ **1541.** Whosoever, in working a mine, does not comply with the decision of the inspector with respect to a water-course, canal, drain, shoot, or other aqueduct, is liable to a fine not exceeding fifty dollars and costs, or, in default of payment, to imprisonment for a period not exceeding one month. Not complying with decision of inspector as to use of streams, &c.

“ **1542.** Any person found removing or disturbing, with intent to remove, any stake or picket planted under the provisions of this law, is liable to a fine not exceeding ten dollars and costs, or, in default of payment, to imprisonment for a period not exceeding one month. Removing stake, &c.

“ **1543.** Whosoever makes use of any mill or machinery, other than those worked by hand, within or near any Using other than hand-mill without license.

mining division, for the crushing or reduction of quartz, or the obtaining of gold therefrom, by crushing, stamping, amalgamating or otherwise, without a special license therefor, is liable to a fine not exceeding one hundred dollars and costs, or, in default of payment, to imprisonment for a period not exceeding two months.

Mill-owners
not reporting
to inspector.

“ **1544.** Every licensed mill-owner, or, in the case of an incorporated company, every manager or agent thereof, who omits to enter the statement or any of the details which he is required to enter, in his register, under articles 1531 and 1532, 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, or, in default of payment, to imprisonment for a period not exceeding one month.

Not fencing
pit, &c., when
discontinuing
work, &c.

“ **1545.** 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, or, in default of payment, to imprisonment for a period not exceeding one month.

Inspector
taking inter-
est in mining
lands in his
division
without per-
mission.

“ **1546.** Every inspector of mines, who, while he is in office, takes, without the consent of the Lieutenant Governor in council, a share in the working of the mines generally in the division for which he is named, 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 voidance of the title or interest which he has obtained), to a fine not exceeding four hundred dollars and costs, or, in default of payment to imprisonment for a period not exceeding one year.

Refusing to
allow inspec-
tor, &c., to
visit lands.

“ **1547.** Every holder of a license, 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, or, in default of payment, to imprisonment for a period not exceeding one month.

Witnesses
refusing to
appear, &c.

“ **1548.** 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.

“ **1549.** Every person contravening this law or Penalty in 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, or continues, or is repeated, to a fine not exceeding twenty dollars and costs, or, in default of payment, to imprisonment not exceeding one month. unprovided cases.

“ **1550.** Every owner of a mining concession who Neglecting to set up posts, &c. neglects to again set up the posts or to replace those which have been removed or destroyed, as required by the provisions of subsection 11 of this law, is liable to a fine not exceeding one hundred dollars for each post which he neglects to set up or replace.

“ **1551.** Every person who wilfully destroys, damages, Destroying posts &c. breaks or removes such posts is liable to a fine not exceeding one hundred dollars for each offence.

“ **1552.** Every person, who, knowingly or under reasonable belief that such arrest should be made, prevents Penalty for preventing arrests. the arrest of any one violating this law, is liable to a fine not exceeding forty dollars and costs or, in default of payment, to imprisonment for a period not exceeding two months.

“ **1553.** Every term of imprisonment counts from the Imprisonment when to count. day of incarceration.

§ 16.—*Prosecutions.*

“ **1554.** The fines imposed by this law are recoverable in the name of the Commissioner of Crown Lands in the district where the offences have been committed In whose names fines are recovered in the same manner as in an action for debt.

“ **1555.** Every service, under this law, is made by a bailiff of the Superior Court, or a constable appointed Mode of service. 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.

“ **1556.** The service by a bailiff is made under his oath Service by bailiff; of office.

That made by a constable is proved by a certificate, By constable. sworn before a justice of the peace or the inspector of the mining division.

“ **1557.** In any prosecution, instituted under this Negative facts need not be law, it is not necessary, in the declaration, information,

alleged in prosecution, &c.

complaint or summons, to allege any negative fact or any fact which it is the duty of the defendant to prove.

Declaration, &c., may be amended.

" 1558. 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 to adduce evidence.

Day need not be alleged precisely.

" 1559. It is not necessary, in a prosecution, to state the exact day on which the offence was committed; it is sufficient that the day and hour be approximately stated.

Fees of bailiff, &c., advocates, &c.

" 1560. The fees to which the bailiffs, constables and clerks of inspectors of mining divisions are entitled are those mentioned in articles 2585 to 2592 of these Revised Statutes, 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.

Appointment of clerks to inspectors and their fees.

" 1561. The clerks of inspectors of mining divisions shall be 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.

Power of inspector to imprison defendant or sell his effects.

" 1562. 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 has no goods and chattels or not sufficient goods and chattels, cause him to be imprisoned for the period mentioned in the judgment.

Discharge upon payment of fine and costs.

Nevertheless, the defendant may, at any time, obtain his discharge, by paying the fine and costs.

No appeal from conviction, &c., of inspector.

" 1563. No appeal lies from any conviction by or judgment of the inspector, under the provisions of this law.

Application of R. S. C. c. 174 and 175 and of arts. 2713 to 2720 of these Statutes.

" 1564. 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.

Suits for royalties in whose name brought.

" 1565. Suits for the recovery of royalties due to the Crown are brought in the name of the Commissioner of Crown Lands.

" **1566.** Other suits for contraventions of this law are brought by a complainant. Suits for contraventions by a complainant.

" **1567.** Prosecutions for the recovery of fines or penalties, imposed by this law, or by the regulations made in virtue thereof, for the recovery of dues and fees exigible thereunder, and for all contraventions of the provisions thereof, are brought before the inspector of each mining division having jurisdiction. Suits for recovery of fines before whom brought.

§ 17.—*Application of fines and dues.*

" **1568.** All dues, fees, and fines, collected under this law, as well as the purchase price of mining concessions, unless otherwise provided, form part of the consolidated revenue fund of the Province. Application of fees, fines, &c.

" **1569.** 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. Portion thereof may be applied to certain payments.

" **1570.** The fines are applied as follows :

1. If the fine and costs be 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 ;

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.

" **1571.** The aforesaid distribution is made by the inspector of the mining division himself. Distribution by whom effected.

§ 18.—*Intoxicating Liquors at Mines.*

" **1572.** The sale or exchange of intoxicating liquor, within a radius of seven miles of any mine in operation, is prohibited, until a license 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, respecting the Quebec License Law, under the penalties set forth in the 893rd and following articles. Sale, &c., of intoxicants forbidden, except under license from inspector.

" **1573.** The inspector of a mining division has the supervision of those who sell intoxicating liquors therein ; he alone may refuse or grant such licenses and cancel the same within such radius of seven miles. Power of inspector in this respect.

§ 18.—*Miscellaneous.*

I.—PARTY WALLS.

Party wall or *passage* to reach stream. “ **1574.** A party wall or *passage*, at least three feet thick, shall be left between each holding being 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.

Forbidden to obstruct same. “ **1575.** No one shall obstruct such party wall or *passage* by throwing soil, stones or other material thereon, under the penalties mentioned in article 1538.

Removal of party wall or *passage*, but to be replaced when required. “ **1576.** Any person interested may, at any time, remove a party wall or *passage* as aforesaid, if he thinks proper; 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 1539.

Inspector's permission required. “ **1577.** Such removal cannot be effected without the written permission of the inspector of the mining division, who shall summarily decide, after hearing the adverse party or having duly notified him.

II.—PRECAUTIONS RESPECTING EXCAVATIONS.

Pits, &c., to be fenced in. “ **1578.** 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 1545, to enclose the same with a fence at least four feet in height, if he discontinue working the same for a period of eight days.

III.—VALUATION OF MINING LANDS.

Valuation for municipal purposes of taxable mining lands. “ **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 of July, 1900, value such immoveable, without taking into consideration the increased value arising from the existence of such mine, ores, pits, shafts, excavations, tunnels, mills, machinery and other buildings, structures and dependencies used or to be used exclusively for the working of such mine.

Preceding article does not apply to dwellings, &c. “ **1580.** The exemption mentioned in the preceding article does not, however, apply to dwelling houses and their dependencies.

IV.—LINES ETC., OF MINING LANDS NOT ALREADY FIXED.

"1581. In cases in which the dimensions of mining concessions have not been previously determined, the owners of such mines or mining lands have only to set up posts at the corners of their properties so as to thoroughly define the limits thereof to the satisfaction of the Commissioner.

Fixing of posts on certain lots.

"1582. The drawing of the boundary lines of such property shall be made in the manner set forth in subsection 11 of this law, at the expense of the owner or at the joint expense of himself and the adjoining owners, if need be."

How lines are to be drawn and at whose expense.

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

Coming into force.

CAP. XVI.

An Act to revive and extend the exemption from municipal taxation of certain mining property granted by article 1544 of the Revised Statutes of the Province of Quebec *

[Assented to 30th December, 1890.]

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

1. The exemption from municipal taxation of certain mining property, granted by article 1544 of the Revised Statutes of the Province of Quebec, which expired on the 24th July, 1890, is revived and extended to the 24th July, 1900.

Certain exemption from municipal taxation revived and extended.

2. Article 1544 of the said Revised Statutes shall read as follows :

R. S. Q., art. 1544 replaced.

"1544. On 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, ores, pits, shafts, excavations, tunnels, mills, machinery and other buildings, structures and dependencies used, or

Valuation of taxable mining lands.

* This chapter is without effect as article 1544 is repealed by the Mining Act, chapter 15 of these Statutes, and is replaced by articles 1578 and 1579 contained in the said chapter.