

ORDERS IN COUNCIL

HAVING FORCE OF LAW

IN THE

PROVINCE OF QUEBEC



HIS HONOR
THE HONORABLE LOUIS FRANÇOIS RODRIQUE MASSON,
LIEUTENANT-GOVERNOR.

QUEBEC:

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ANNO. DOMINI, 1887.

ORDERS IN COUNCIL

ORDER IN COUNCIL RESPECTING TIMBER DUES AND THEIR COLLECTION.

EXECUTIVE COUNCIL CHAMBERS.

Quebec 7th December, 1886.

PRESENT :

THE LIEUTENANT-GOVERNOR IN COUNCIL.

No. 495.

It is ordered that changes be made in the system which has hitherto prevailed in the Department of Crown Lands, with reference to timber dues and their collection, in the following particulars :

1st. That promissory notes may be accepted for timber dues not paid on or before the tenth day of December, payable at the Bank of Montreal, in Quebec, on the twentieth day of June following, with interest at six per cent till due and at ten per cent after due, such notes, when received and entered in the Crown Lands' Department, shall at once be transferred to the Treasury Department, and in no case shall an extension of time be granted for the payment of the same after maturity. No interest will, as usual, be chargeable for stuck logs.

2nd. All timber licenses shall be renewed on or before the first day of September, and the ground rent must be paid in cash at the time of renewal. The limit may be declared forfeited in the event of the non-renewal of the license.

3rd. No license shall be so renewed in favor of any limit holder who is in arrears for the payment of timber dues.

GUSTAVE GRENIER,
Clerk, Executive Council.

Crown Lands' Department.

ORDER IN COUNCIL RESPECTING GROUND RENT
OF TIMBER LIMITS.

EXECUTIVE COUNCIL CHAMBERS.

Quebec, 7th April, 1887.

PRESENT :

THE LIEUTENANT-GOVERNOR IN COUNCIL.

No. 160.

It is ordered that the second clause of the Regulations of the fifth October, 1868, based upon the order in council (No. 20) Crown Lands, of the second October of the same year which establishes a uniform ground rent of two dollars per square mile for every mile under license as timber limits, be amended and replaced by the imposition of a fixed ground rent of five dollars per annum per square mile of timber limits, which ground rent shall thus hereafter be five dollars per square mile instead of two dollars.

GUSTAVE GRENIER,
Clerk, Executive Council

ORDER IN COUNCIL RESPECTING FOREST TREES.

EXECUTIVE COUNCIL CHAMBERS.

Quebec, 20th January, 1887.

PRESENT :

THE LIEUTENANT-GOVERNOR IN COUNCIL.

No. 33.

Whereas by the act of this Province 45 Vict. Cap. 13, intituled "An act to encourage the planting of forest trees," it is provided that any person who plants forest trees upon any part of his land, not less than one acre in extent, shall be entitled to receive therefor a land-order authorizing him to purchase, to an amount not exceeding twelve dollars, any ungranted public lands of the Province, subject to the laws and regulations in force respecting the same ;

Whereas it is desirable to provide by regulation, in accordance

Crown Lands' Department.

with section 4 of the act, the conditions under which such land-order shall be given.

It is therefore ordered that the following regulations be adopted :

1st. That no such land-order shall issue until it is satisfactorily established by the report of the Crown Lands' Agent, wood-ranger, provincial land surveyor or other authorized person, that the party applying for such order has, by himself or by others for him, planted or caused to be planted with forest trees, seeds or cuttings, at least one acre in extent of the land owed and occupied by him, that the same have been planted for more than three years, that the trees are in a vigorous and healthy state, that the land upon which the plantation exists is securely fenced and protected, and that such acre of land, or greater extent, is regularly planted with forest trees of such number and description as is best adapted to the nature and quality of the soil.

2nd. That the person so receiving such land-order shall keep the land so planted as a forest plantation, until such time as the trees are sufficiently grown to require no further protection from sheep or cattle.

3rd. That the holder of such land-order shall, from time to time, report to the Crown Lands' Department the condition of the plantation, in order that the public generally may know the progress which it makes, and that he shall, in all respects, conform to the provisions and requirements of the said statute.

GUSTAVE GRENIER,
Clerk, Executive Council.

ORDER IN COUNCIL RESPECTING MINING LANDS.

EXECUTIVE COUNCIL CHAMBERS.

Quebec, 15th December, 1885.

PRESENT :

THE LIEUTENANT-GOVERNOR IN COUNCIL.

No. 538.

It is ordered that, as a general rule, all lands to which an exceptional value is attached, such as mineral lands and islands, shall be sold only to the highest bidder at public auction, of which due notice shall have been given in the Official Gazette and in at least one French and one English newspaper, in such manner and for

Treasury Department.

such length of time as shall be determined in each case by order in council;

That the minimum price at which mineral lands shall be sold, will be those laid down in order in council No. 529 of the 10th December instant, and the minimum price at which islands shall be sold, will be five dollars per acre, or such other and higher prices as shall be fixed by special inspection and valuation.

It is further ordered that, in all cases when it is deemed inexpedient to incur the expenses of a public auction, the price at which any mineral lot or any island shall be sold, shall be fixed and determined by order in council, and such price shall in no case be less than the minimum price herein above described.

GUSTAVE GRENIER,
Clerk, Executive Council.

ORDER IN COUNCIL RESPECTING SALE OF LIQUORS
FOR CERTAIN PURPOSES UNDER THE ACT
49-50 VICTORIA CHAPTER 3.

EXECUTIVE COUNCIL CHAMBERS.

Quebec, 30th June, 1886.

PRESENT :

THE LIEUTENANT-GOVERNOR IN COUNCIL.

No. 225.

Whereas it is provided by section 99 of the second part of the "Canada Temperance Act of 1878 that: "From the day on which "this part of this act comes into force and takes effect in any county "or city, and for so long thereafter as the same continues in force "therein, no person, unless it be exclusively for sacramental or "medicinal purposes, or for *bona fide* use in some art, trade or manufacture, under the regulation contained in the fourth sub-section "of this section, or as hereinafter authorized by one of the four "next sub-sections of this section, shall, within such county or "city, by himself, his clerk, servant or agent, expose or keep for "sale, or directly or indirectly, on any pretence or upon any device, "sell or barter, or in consideration of the purchase of any other "property, give to any other person, any spirituous or other intoxicating liquor, or any mixed liquor capable of being used as a "beverage and part of which is spirituous or otherwise intoxicating;"

Treasury Department.

Whereas sub-section 3 of said section 99 enacts that : “ Provided always that the sale of wine for exclusively sacramental purposes shall be made by druggists and vendors as hereinafter provided, only on the certificate of a clergyman affirming that the wine is required for sacramental purposes ; ”

Whereas sub-section 4 of said section 99 further enacts that : “ Provided also that the sale of intoxicating liquor for exclusively medicinal purposes or for *bona fide* use in some art, trade or manufacture, shall be lawful only by such druggists and other vendors as may be thereto specially licensed by the Lieutenant Governor in each Province, the number not to exceed one in each township or parish, nor two in each town, and in cities not exceeding one for each four thousand inhabitants, such sale, when for medicinal purposes, to be in quantities of not less than one pint, to be removed from the premises and to be made only on the certificate of a medical man, having no interest in the sale by the druggist or vendor, affirming that such liquor has been prescribed for the person named therein ; and when such sale is for its use in some art, trade or manufacture, the same to be made only on a certificate signed by two justices of the peace of the *bona fide* of the application, accompanied by the affirmation of the applicant, that the liquor is to be used only for the particular purposes set forth in the affirmation ; and it shall be the duty of the druggist or vendor to file the certificates and keep a register of all such sales, indicating the name of the purchaser and the quantity sold, and to make an annual return of all such sales on the thirty-first day of December in every year to the Collector of Inland Revenue within whose revenue division the county or city is situated ; ”

Whereas sub-section 8 of said section 99 further enacts that : “ Provided also, that any merchant or trader exclusively in wholesale trade and duly licensed to sell liquor by wholesale, having his store or place for sale of goods within such county or city, may thereat keep for sale and sell intoxicating liquor, but only in quantities not less than ten gallons at any one time, and only to druggists and others licensed as aforesaid, or to such persons as he has good reason to believe will forthwith carry the same beyond the limits of the county or city, and of any adjoining county or city in which the second part of this act is then in force, to be wholly removed and taken away in quantities not less than ten gallons at a time ”

Whereas the act of this Province 49-50 Vict., cap. 3, establishes the amount of duties to be paid to the Collector of Provincial Revenue on the licenses above mentioned, to be issued under authority of the said Canada Temperance Act of 1878 ”

It is therefore ordered that licenses to sell wine or other intoxicating liquor for sacramental or medicinal purposes or for *bona fide* use in some art, trade or manufacture, in municipalities where the said Canada Temperance Act of 1878 is in force, or where the said act may come into force hereafter in this Province, not to exceed

Treasury Department.

in each municipality the number prescribed by the said act, shall be issued to persons recommended by resolution of the municipal council of the municipality in which the license is to be used, and after signification of the approval of the Lieutenant-Governor of the person so recommended ;

That the said licenses are to be issued in the same form and manner that other licenses are issued under the Quebec License Law of 1878, and are to be subject to the provisions of the Canada Temperance Act of 1878 and of the Quebec License Law of 1878, as amended, and are to remain in force until the first day of May following their issue ;

That in case any municipal council of any municipality shall neglect or refuse to recommend any person or persons as the holder of such special license, for a period of two months after the said Canada Temperance Act of 1878 first comes into force in such municipality, or subsequently during the month of April of any year while such act remains in force, the Lieutenant-Governor may nominate and appoint such person or persons as he may see fit to be licensed for the purpose mentioned, if he chooses so to do, unless the municipal council of such municipality shall have forwarded a copy of a resolution duly certified, to the effect that such municipality does not consider it necessary or expedient that any person should be licensed for the sale of intoxicating liquors for sacramental, medicinal or mechanical purposes in such municipality under the said section 99 of the said Canada Temperance Act of 1878, in which case no appointment may be made by the Lieutenant-Governor.

It is further ordered that the Honorable the Treasurer of the Province be authorized to grant wholesale licenses, in municipalities in which the Canada Temperance Act of 1878 is in force, to merchants or traders exclusively in wholesale trade, having their stores or places for sale of goods within such municipalities, to keep for sale and sell intoxicating liquors, but only in the quantities and to the persons specified in sub-section 8 of section 99 of the said Canada Temperance Act of 1878, upon payment of the duties and fees required by the Quebec Act, 49-50 Vict., cap. 3 ; such licenses to be subject to the requirements of the Canada Temperance Act and of the laws of this Province respecting such licenses.

It is still further ordered, that order in Council No. 38 of the third of February 1885, concerning the sale of wine, &c., for sacramental medicinal and other purposes, be revoked.

GUSTAVE GRENIER,
Clerk Executive Council.

Treasury Department.

ORDER IN COUNCIL RESPECTING THE STORAGE OF
GUNPOWDER, &c.

EXECUTIVE COUNCIL CHAMBERS.

Quebec, 16th December, 1886.

PRESENT :

THE LIEUTENANT-GOVERNOR IN COUNCIL.

No. 504.

Whereas the provisions of the Quebec License Law of 1878, with reference to the keeping of magazines for the storage of powder, have proved to be unsuitable as regards the storage and sale of gunpowder and explosives ;

Whereas in many parts of the Province quantities of powder and explosives are used in mines, quarries and other works, and that at present large quantities gunpowder and explosives are kept in cities, towns and other places in violation of the law ;

Whereas it has been objected by the manufacturers of gunpowder and explosives and by parties engaged in the sale of the same, that the building prescribed by the Quebec License Law for a magazine is not such as modern science approves, and that its cost is far beyond the means of ordinary business men ;

Whereas the magazines now in use for supplying gunpowder to the cities of Quebec and Montreal, are the property of the department of militia of the Dominion, and, under regulations of the said department, will not receive or store dynamite and kindred high explosives which are largely used for public works of the said cities ;

Whereas no magazines have been built under the provisions of the Quebec License Law for the storage of explosives to supply the operations of mines and other works in the Province, and that the explosives now used at such mines and works are at present illegally kept and stored ;

Whereas the character of the magazines prescribed in the law is not adapted to containing powder in process of manufacture ;

Whereas the present unlawful method of keeping explosives for the use of private and public works and mines, is highly dangerous to the community ;

It is therefore ordered that, under the authority of the provisions of section 185 of the said License Law, the storage of gunpowder and explosives be permitted at one place, as hereinafter designated, in each of the following localities :

1st. Near the city of Quebec, but not within a distance of five miles from the Parliament Buildings in said city ;

Treasury Department.

2nd. Near the city of Montreal, but not within a distance of five miles from the City Hall in said city ;

3rd. Near the city of Sherbrooke and near the town of Buckingham, but not within a distance of three miles from the centre of these towns, and in such other places as may hereafter be designated by the Provincial Treasurer, (approved by the Lieutenant Governor in Council) ;

4th. At the existing works now actually in operation and duly incorporated for the manufacture of explosives.

That the actual situation for the storage of explosives in any place must be approved by the local municipal authorities, in writing ; said approval to be deposited with the Collector of Provincial Revenue for the district, to be by him transmitted to the Provincial Treasurer.

That the buildings to be erected for the purpose of storage to be fire proof structures of substantial masonry, to be subject to the inspection and approval of some person employed by the Government for that purpose ; the said buildings to be distant not less than one-eighth of a mile from any inhabited house.

That the licenses for the said buildings to be issued through the Collector of Provincial Revenue for the district in which they are situated, to whom the duties and fee payable under section 63 of the said Quebec License Law are to be paid ; and where no other explosives are manufactured and stored, the license fee shall only apply to magazines when the article manufactured is finished and stored ready for sale, and not to store houses or magazines where the articles referred to are in course of manufacture. That in cases to which the present order in council, under exceptional circumstances, may not apply, other orders in council may be substituted, under the authority of the above cited act.

GUSTAVE GRENIER,
Clerk, Executive Council.

*Tariff on proceedings under the act respecting abandonment,
of property.*

ORDER IN COUNCIL ESTABLISHING A TARIFF OF FEES
TO BE TAKEN BY PROTHONOTARIES ON PRO-
CEEDINGS IN CASES OF ABANDONMENT
OF PROPERTY, UNDER THE ACT 48
VICTORIA, CHAPTER 22.

EXECUTIVE COUNCIL CHAMBERS,

Quebec, 30th June, 1886.

PRESENT:

THE LIEUTENANT-GOVERNOR IN COUNCIL.

No. 232.

It is ordered, under the authority of article 29 of the Code of Civil Procedure and of chapter 93 of the Consolidated Statutes for Lower Canada, that the fees hereinafter specified be paid in future to the prothonotaries of the Superior Court for the Province of Quebec, as soon as a copy of the order in council ordering such fees shall have been published in the Official Gazette and entered in the registers of the Superior Court in the various districts of the Province, respectively.

On the proceedings under the act respecting abandonment and assignment of property (48 Vict., chap. 22) and set forth in the following tariff.

| | \$ | c. |
|---|----|----|
| 1. On filing a demand of assignment..... | 50 | |
| 2. On filing the statement furnished by the debtor and the appointment of a provisional guardian..... | 2 | 00 |
| 3. For the attendance of the prothonotary at the meeting to appoint a curator..... | 2 | 00 |
| 4. On filing the petition to contest a demand of assignment of property or of the statement furnished by the debtor..... | 4 | 00 |
| 5. On every written answer to such contestation..... | 2 | 00 |
| 6. On every petition or demand not specially mentioned above..... | 1 | 00 |
| 7. On every contestation of the dividend sheets prepared by the curator..... | 2 | 50 |
| 8. On every written answer to such motion, petition or contestation..... | 1 | 00 |
| 9. On every motion, rule, copy of rule, judgment, order, commission for the examination of witnesses and other incidental proceedings not specified above, the same fees as those exigible under the tariff of the Superior Court in first class actions. | | |

GUSTAVE GRENIER,
Clerk, Executive Council.

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