

constables and peace officers, in Her Majesty's name, to retake the said C. D. and safely to convey him to this asylum and deliver him to my charge.

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

Director or Visiting Physician.

CAP. XXII.

An Act to further amend the Quebec General Mining Act of 1880.

[Assented to 10th June, 1884.]

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

I. The following sections are added to the Quebec General Mining Act of 1880 (43-44 Victoria, chapter 12), Sections added after sec. 3 of 43-44 V., c. 12.
after section 3 :

"3a. 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 soil has acquired it from the Crown as a mining location or otherwise, in which case both the soil and the property under the soil form but one and the same private property." Mining rights to be property separate from the soil. Exception: when mining rights and property in soil belong to same person.

"3b. However, whenever a person who has become owner of the soil and of the property under the soil, under any title, before the passing of this act, 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." Effect of the sale of mining rights.

"3c. 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 nowise 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 under this act; except

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."

43-44 V., c. 12, ss. 14, 15, 16, 17 repealed, saving acquired rights. **2.** Sections 14, 15, 16 and 17 of the said act 43-44 Victoria, chapter 12, are repealed, saving the rights upon any property acquired for mining purposes by purchase, lease or otherwise, under the operation of the said sections 14, 15, 16 and 17; such acquired rights continue to be in force as if the said sections had not been repealed.

Sections added after sec. 21. Method of acquiring mining rights from the Crown. **3.** The following sections are added after section 21 :
 "21a. The mining rights belonging to the Crown which consist of the ownership of the property under the soil, under sections 3, 3a, 3b, and 3c of this act, may be acquired from the Commissioner of Crown Lands by sale or lease, or by license or permit of occupation by the proprietor of the soil, who has a first right to the purchase of such mining rights.

Idem, upon refusal of proprietor to work the mines. Any miner may acquire mining rights if the proprietor of the soil neglect or refuse to work the said mines, after having put the proprietor in default by notice given under sections 55 and 56 of this act, by paying, upon the award of arbitrators as hereinafter provided, all the damages and losses that he may cause the latter in mining or attempting to mine under such soil."

Name of mining location. "21b. Every property under the soil, so sold or ceded by lease or otherwise, shall be designated under the name of "underground mining location."

Price of sale to be fixed by Lieutenant-Governor; "21c. The Lieutenant-Governor in council, whenever he deems it expedient, establishes the price of the sale, the amount of the lease, the fee or price for the leasing or royalty, which shall be imposed and also all other conditions.

Also form and extent of mining locations. He, at the same time, determines the form and extent of such underground mining locations, regard being had to the situation, nature, and value of the mineral deposits, the richness of the mine and the greater or less facility of working it."

Arbitration in cases of damages suffered by proprietor of the soil. "21d. The losses and damages suffered by the proprietor of the soil by reason of such working shall be estimated by mutual agreement between the parties, if not, by arbitrators in the manner provided by the Code of Civil Procedure in the title respecting arbitration; except that, within the limits of a mining division, the inspector, and outside such limits, the Commissioner of Crown Lands, shall replace the court."

Duties of arbitrators. "21e. In assessing such damages the arbitrators shall, if it concern land under cultivation, take into account the

damages and inconveniences that may and have been suffered by the proprietor of the soil owing to the working of such mines.

No permit to search for mines, nor 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."

"21f. Before any mining works shall be commenced the procedure established by sections 70 and 71 of this act shall be followed."

Mining in gardens, &c. prohibited.

Procedure to be followed before mining

4. Section 22 is amended by striking out the words: "outside of a mining division" in the third line thereof, and adding at the end of the said section the following words: "which shall be exhibited to the inspector of the mining division where such person intends to prospect."

Section 22 amended.

5. The following sections are added after section 22:

"22a. The application for a permission to prospect shall be accompanied with a fee of two dollars and shall contain as exact a description as possible of the lot required."

"22b. The applicant shall furnish good and sufficient security, subject to the approval of the Commissioner of Crown Lands, to answer for all losses and damages that he may cause to the proprietor of the soil in making such searches or explorations."

Sections added after sec. 22. Fee on application; property to be described. Security to be furnished by applicant.

"22c. Whoever, under such permission, searches and prospects as aforesaid shall make a report to the Commissioner of Crown Lands or to the inspector, when it is in a mining division, of the result of his operations, during the course of one month after the expiration of such permission."

Report to Commissioner of Crown Lands of result of operations.

"22d. Sections 83 and 84 of this act apply also, in so far as consistent with the provisions of the four preceding sections to the person or company who, holding a permission as above, has discovered a new mine."

Application of ss. 83 and 84.

6. Section 34 is amended by adding after the word "commenced," in the fifth line thereof, the words: "and under license which must be then produced," and by adding at the end thereof the following:

Section 34 amended.

"Every miner in a mining division shall obtain from the inspector of the division a license for which he shall pay the sum of two dollars for every three months."

License for each miner. Fee therefor.

Section 47
amended.

7. Section 47 is amended by striking out, in the last paragraph, the words: "as to the persons working them," and substituting therefor the words:

How mining
rights are ac-
quired.
Licenses.

"From the crown as a mining location, and the persons working them are obliged to take out only one license, at two dollars for every three months, for every mine, but they shall be subject to the other provisions of this section and to the general mining act or the regulations which shall be made thereunder.

Not to apply to
certain men.

Nothing in this section shall compel miners to take out a license for men engaged exclusively in sinking new mining shafts so long as gold or silver has not been discovered."

Section 50
amended.

8. Section 50 is amended by substituting the word "three" for the word "two," in the first line thereof, and by adding after paragraph 2 the following:

"3. Licenses for the working of mining locations;" and by also adding after the word "second," in the last line of the last paragraph thereof, the words "and the third."

Section 52 § 1
replaced.

9. The first paragraph of section 52 is repealed, and replaced by the following:

Fee on licenses.

"Such licenses are granted upon payment of a fee of one dollar per month for each miner to work on private lands; two dollars per month for each miner to work on public lands, and two dollars for every three months to work mining locations."

Section 52
amended.

10. The said section 52 is further amended by adding to the second paragraph thereof, the following:

Proviso.

"Except in the places in this province in which the royalty due to the Crown under letters-patent is now paid by means of fees for mining licenses."

Section 54
amended.

11. Section 54 is amended by striking out all the words from the beginning of the said section to the word "act," inclusively, except as regards cases provided for in section 2 of this act.

Section 55
amended.

12. Section 55 is amended by substituting the word "person," in the first line, for the words "holder of a mining license."

Section 56
amended.

13. Section 56 is amended by substituting the words "one month" for the words "six weeks," and by striking out the words "for alluvial mines and five months for quartz mines."

14. Section 57 is amended by striking out the words Section 57
“as mentioned in section 14 of this act.” amended.

15. Section 58 is amended by adding the words “during Section 58
one month” after the words “mining operations,” in the amended.
fifth and sixth lines.

16. Section 59 is amended by replacing the word “fif- Section 59
teen,” in the first line, by the word “ten,” and the words amended.
“one month,” in the twelfth line, by the words “ten
days.”

17. Section 60 is amended by substituting the word Section 60
“ten” for the word “fifteen,” in the first line, and the amended.
words “eight days following the last publication,” for the
words “month following the publication.”

18. Section 71 is amended by adding after the word Section 71
“paid,” in the sixth line, the words “or lawfully tendered.” amended.

19. Section 81, is amended by striking out the word Section 81
“so,” in the first line; by adding after the words “a amended.
claim,” in the first line the following words “upon private
lands or upon public lands or acquired a mining loca-
tion”; and by adding after the words “staked out,” in the
seventh line, the following words: “and when it became
the property of the said licensee or of the company repre-
sented by him, of which company he shall give the cor-
porate name.”

20. Section 81 is further amended by adding thereto Section 81 fur-
the following paragraph: ther amended.

“Every mining company, so described and registered in Suits against
the office of the inspector of the mining division in which companies so
it works or owns or occupies lands, may be sued under registered.
its corporate name before any court of justice in this pro-
vince.”

21. Section 94 is amended by adding thereto the fol- Section 94
lowing words: amended.

“But such removal cannot be effected without the Proviso.
written permission of the inspector of the mining division,
who shall summarily decide, after hearing the adverse
party duly notified.”

22. Section 107 is amended by substituting the words Section 107
“in working a gold or silver mine,” in place of the words amended.
“owns a claim bounded by a water-course, and;” and the
words “a water-course, canal, drain, shoot, or other aque-

duct," for the words "of such water-course; and the word "fifty" for the word "five."

Section 127
amended.

23. Section 127 is amended by adding at the end thereof the words "or by the collector of provincial revenue for the district in which such offence is committed."

Section 133
replaced.

24. Section 133 is repealed, and the following is substituted therefor :

Jurisdiction of
mining in-
spectors.

"133. The inspector of a mining division takes cognizance of, and finally determines, all suits of a purely personal nature, and those affecting movables, between persons or companies engaged in mining, or their agents or other persons or companies, and *vice versa*.

Proceedings
summary.
Execution of
judgments.

The proceedings are summary.

For the execution of judgments under this section, the proceedings are the same as those in the Circuit Court, and the inspector may, if necessary, issue writs of execution to seize immovable property in the cases in which it is permitted in the Circuit Court.

Saisie arrêts.

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

Return of
writs *de terris*.

In cases of seizures of real estate as aforesaid, 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."

Section added
after sec. 140.

25. The following section is added after section 140 of the said act :

Appointment
of clerks of
inspectors and
their fees.

"140a. 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."

Schedule C
replaced.

26. Schedule C is repealed and schedule C annexed to this act is substituted therefor.

Coming into
force.

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

SCHEDULE C.

Province of Quebec. } Mining Division of

To the Inspector of the Mining Division of

I, _____ of _____ (president, manager
or agent of the Mining Company, known as _____

give notice:

1. That I (or *that the company has*) have chosen and staked out a mining claim upon private lands (or *public lands, as the case may be*) as follows, to wit: (*describe the claim, by its extent, boundaries and exact situation, and if the claim be on public lands, a plan drawn by a surveyor shall be produced with the notice*) in the parish (or township) of _____ on the _____ day of _____ 18 ____.

2. That such claim became my property (or *the property of the aforesaid Company*) as far as respects the mining rights, and the soil thereof, in virtue of the following titles now produced.

3. That the said company is formed under the corporate name of *(name of the company)*.

4. That to conform to the Quebec General Mining Act of 1880, and its amendments, I, (or *the company aforesaid*) make an election of domicile at (*the precise locality*) in the parish or township of _____ in this mining division and require the registration of these presents.

(Date and signature),

Applicant.

CAP. XXIII.

An Act to amend the act 32 Victoria, chapter 17, concerning
Industrial Schools.

[Assented to 10th June, 1884.]

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

1. Sections 12, 13, 14 and 15 of the act 32 Victoria, chapter 32 V., c. 17, ss. 12 to 15 re-
17, are repealed, and replaced by the following : placed.