

CAP. X.

An Act to amend the Acts respecting the sale and management of public lands.

[Assented to 27th May, 1882.]

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

1. The following section is added to the Act 32 Victoria, chapter 11, respecting the sale and management of public lands, after section 4 :—

Section added after 32 Vic., cap. 11, sec. 4.

"4a. Every crown lands' agent may, if the same become necessary, owing to the extent of his agency or the pressure of his business, appoint a deputy to assist him in the performance of his duties ; but this appointment, to be valid, must be approved by the Commissioner of Crown Lands.

Power of Crown lands' agent to appoint deputy ; Approval of Commissioner required.

Every such deputy shall perform the duties of the agent, in case of the absence or sickness of that officer, and all other duties that may be required of him by the Commissioner."

Duties of deputy.

2. The following sections are added to the said act after section 17 :

Sections added after sec. 17. of same act.

"17a. The pine timber upon public lands shall, in future, be reserved in all sales, grants, location-tickets, leases or permits of occupation.

Reserve of pine timber.

Such timber shall belong to the Crown and the reserve thereof shall be mentioned in all location-tickets and letters-patent.

Property in timber and mention of reserve in letters-patent.

Notwithstanding such reserve, the locatees, being holders or not of letters-patent or their assigns, may, however, cut and use such pine trees as may be necessary for the purpose of building on the said lands ; — and by paying the same price as the holders of licenses to cut timber, they may dispose at pleasure of those which they may cut down, in the clearing of the land necessary to obtain letters-patent."

Grantees may cut such timber for certain purposes ; on payment of dues may dispose of timber cut upon parts of their property.

"17b. After the issue of the letters-patent, it shall be lawful for the Commissioner of Crown Lands to issue to the grantees of such lands or to their assigns, a license to cut and use, for purposes of commerce, pine trees, measuring not less than twelve inches in diameter at the stump, and forming part of the said reserve, upon condition that they pay to the said commissioner the usual dues imposed by the regulations upon holders of licenses to cut timber, and that they comply with such other conditions

Commissioner may grant license to grantee to cut and use timber of a certain size, upon certain payments.

that the lieutenant-governor, in council, may be pleased to impose upon them."

Regulations
concerning
pine reserved.

"17c. Regulations, not inconsistent with the provisions of the preceding sections 17a and 17b, may, from time to time, be made by the lieutenant-governor in council, for all that concerns the preservation or working of the pine so reserved, for determining the cases in which such reserve shall not exist, the conditions upon which licenses to cut reserved pine may be issued and generally for better assuring the execution of the present act."

32 Vic., cap.
11, secs. 18
and 19, re-
pealed.
Register to be
kept to enter :

3. Sections 18 and 19 of the said act 32 Victoria, chapter 11, are repealed and replaced by the following provisions :

"18. There shall be kept in the crown lands office, a register in the form deemed expedient by the Commissioner, in which shall be registered by memorial at the request of the parties interested :

1. Transfers
by original
purchasers ;

1. The transfers made by the original purchasers or locatees of their rights to any public lands acquired from the crown by purchase, grant, location, lease or permit of occupation, and for which letters-patent have not been granted ;

2. Transfers
by heirs, &c.,
of first pur-
chasers ;

2. The transfers made by the heirs or assigns of such first purchasers, or locatees, if the titles, under which they have a right to the possession of such lands, have been duly enregistered under this act, or if their names have been substituted by the Commissioner of Crown Lands in the books of his department ;

3. Transfers
by sale under
Municipal
Code ;

3. The transfers made by means of a sale under the operation of the municipal code for taxes ;

4. Transfers
by other judi-
cial sales.

4. The transfers made by means of any other judicial sale, in cases in which such sales can lawfully take place."

Transfers to
be registered
must

"18a. In order that they may be received and registered, the transfers mentioned in the two first sub-sections of the present section shall :

1. Be passed
before a
notary ; or

1. Be passed before a notary according to the formalities prescribed by article 1208 of the Civil Code, or

2. Made by pri-
vate writings
duly witness-
ed, &c. ;

2. Be made by private writings in presence of two witnesses and be accompanied by the affidavit of one of such witnesses stating the place and date at which it was passed, the name, residence, and occupation of each witness, or—if the witnesses are absent from the Province or are dead,—by the affidavit of any other person proving such death or absence, and their signature, or that of the person who made the transfer, and

3. Contain no resolatory clause or faculty of redemption, conditions, obligations or charges which have not been previously settled or discharged, either actually or by agreement or consent of parties; "

" 18b. In no case, however, mentioned in the preceding provisions, unless by leave of the Commissioner of Crown Lands, shall any transfer be enregistered, unless it is satisfactorily shewn that the conditions of sale, concession or location, lease or permit of occupation have been duly fulfilled. "

Transfers can not be registered if certain conditions are not fulfilled.

" 18c. Every transfer enregistered shall be numbered and have endorsed thereon a certificate signed by the commissioner, or his assistant or other person authorized to that effect, mentioning the date of the enregistration, and be deposited in the archives of the department of crown lands as a voucher. "

Requisite endorsements on transfer.

Deposit of transfer.

" 18d. Immediately after the enregistration, the name of the transferee shall be substituted in the books of the department for the name of the person effecting the transfer. "

Substitution of names after enregistration.

" 18e. Transfers so enregistered shall take effect from the date of their enregistration, as against others that have not been enregistered, or which have subsequently been presented for registration. "

Effect of registered transfer

" 19. Whosoever, requiring letters patent for a public land, finds that he is unable to produce a deed of transfer with the formalities required for enregistration, may furnish such proof as the commissioner may deem requisite in support of his application; and in such case, if according to the proof the application is found just and equitable, the name of the petitioner shall be substituted for that of the preceding purchaser. "

If transfers can not be produced.

Proof required

" 19a. It is hereby declared and enacted that the letters patent, heretofore issued at the request of a petitioner unable to furnish titles or sufficient proof as aforesaid, have been validly issued by making use of the following terms, without naming any one in particular: " to the legal representatives of (*name of the purchaser or transferee*); and that, in future, similar letters-patent may still be issued in the same manner by making use of the same terms. "

Certain letters patent declared valid.

By these words: "legal representatives," must be understood all those who may have any rights whatever to the property under the civil code. "

Interpretation of words: "legal representatives."

4. The act 41-42 Victoria, chapter 5, and the proviso of section 9 of the act 36 Victoria, chapter 8, are

41-42 Vic., cap. 5, and proviso of sec. 9 of 36 Vic.,

cap. 8, repealed and the following provisions are added to the act
ed and section 32 Victoria, chapter 11, after section 20 :

Vic., cap. 11,
sec. 20.
Notice of can-
celling of sale
or grant.

"20a. No cancelling of any sale or of any grant, lo-
cation or permit of occupation of public lands shall be
made before a notice is twice given in the *Quebec Official
Gazette*, mentioning the lots subject to cancellation and
the date upon which it shall take place.

Posting of
such notice.

The Crown lands' agent, on receipt of the *Official
Gazette*, containing such notice, shall be obliged to post
a notice setting forth that such cancelling is to take place,
or have it posted on the door of the Church nearest to
the lots in question and, in addition, to notify the holder
or holders of location tickets or their assigns under enre-
gistered transfers, by letter or post-card, if they are
present and he knows their address."

Notification to
holders, &c.

Delay to effect
such cancel-
ling.

"20b. The cancelling can not take place until after sixty
days from the date of the last publication of the notice in
the *Quebec Official Gazette*."

Power of pur-
chaser to op-
pose cancel-
ling.

"20c. During these sixty days it shall be lawful for the
purchaser, his heirs or assigns, to represent, by petition, to
the commissioner of Crown lands or the lieutenant-
governor in council, the reasons for which he thinks such
cancelling should not take place, and the commissioner or
the lieutenant-governor in council, shall then decide upon
the merits of the reasons so brought in support of his
demand."

Quebec Gene-
ral Mining
Act, 1880, not
to be affected
by this act.
Act in force.

5. Nothing contained in this act shall affect any of the
provisions of the Quebec General Mining Act, 1880.

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

C A P . X I .

An Act to amend the act 34 Victoria, chapter, 19, respecting
the clearing of lands and the protection of forests against
fires.

[Assented to 1st May, 1882.]

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

34 Vic., cap.
19, sec. 2, re-
placed.

1. Section 2 of the act 34 Victoria, chapter 19, is repealed
and replaced by the following :