

" 2. No person shall, in the forest or at a distance of a less than a mile from a forest, set fire to, or cause to burn, any pile of wood, branches or brushwood or any tree, shrub or other plant, at any period during the year.

It however shall be permitted for the purpose of clearing lands at any time, except between first July and the first of September in each year."

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

Prohibition to set fire to wood, &c., in a forest and at a certain distance therefrom.
Exemption during certain time for certain purposes only.
Act in force.

CAP. XII.

An Act for the Protection of Settlers.

[Assented to 27th May, 1882.]

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

1 Public lands, hereafter granted to *bonâ fide* settlers by instruments in the form of location tickets, licenses of occupation, or certificates of sale, or other titles of a similar nature or to the same effect, in virtue of the provisions of the Act 32 Victoria, chap. 11, respecting the sale and management of Public Lands, and the amendments thereto and according to the orders in council and regulations passed in virtue of the said act, shall not, so long as letters-patent are not issued therefor, be pledged or hypothecated by judgment or otherwise ; nor be liable to seizure or execution for any debt whatsoever, except for the price of such lands, notwithstanding articles 1980 and 1981 of the Civil Code and articles 553 and 554 of the Code of Civil Procedure.

Lands held by settlers under certain instruments can not be hypothecated before the issue of letters-patent ;
Nor be liable to seizure or execution.

Nevertheless such right of exemption from seizure and execution shall not extend beyond five years from the date of the location ticket, license of occupation, certificate of sale or other similar title as aforesaid.

Limitation of time of exemption.

2. Every grantee of public lands in this province, who shall have acquired the same since the passing of this act by location ticket, license of occupation, certificate of sale or other similar title, issued in his name, or in the name of another person of whom he has become the grantee, assignee, or legal representative may, during the three months next after the issue of his letters-patent, select a certain number of acres of such land, not exceeding one hundred, as his Homestead ; and so soon as he

Power of the grantee to create a Homestead by observing certain formalities.

Exemption of such homestead from seizure and execution during a certain time on certain formalities being complied with.

shall have made a solemn declaration of such selection in the form of schedule A to this act, and that such declaration shall have been acknowledged, in accordance with the provisions of the act of the Parliament of the Dominion of Canada, 37 Vict., chap. 37, before a justice of the peace and shall have been enregistered, within the delay of three months next after the issue of the letters-patent, in the registry office for the registration division of the place where such property is situated, the land, so selected as a Homestead, with the buildings and appurtenances thereon erected, and so long as they shall remain in the possession of such grantee, or in the possession of his widow and children, his heirs, legatees or donees, as well as the rights, titles and interest they may have therein, shall, notwithstanding the provisions of articles 1980 and 1981 of the Civil Code and articles 553 and 554 of the Code of Civil Procedure, be exempt from seizure and execution, during the fifteen years next after the date of the enregistration of such declaration, for the payment of debts which they may have contracted, either before or during such period, unless it be for the price of such lands or for the extinction of the lawful charges and hypothecs for which they themselves have pledged the property after the issue of such letters-patent.

Registration of declaration of the choice of a homestead; certificate of the registrar.

Upon receipt of such declaration and upon payment of a fee of fifty cents, the registrar shall be obliged to register such declaration and to furnish, upon payment of a similar fee of fifty cents, to the grantee or his representatives as aforesaid, a certificate in accordance with schedule B to this act, which certificate shall be valid before all courts of justice in this province.

Certain moveable effects of settlers exempt from seizure and execution.

3. Without prejudice to article 556 and following of the Code of Civil Procedure, the movables and effects hereinafter enumerated, whether they be in the possession of a *bonâ-fide* settler, as described in section 1 of this act, or in the possession of his widow or children, his heirs, legatees or donees, shall be exempt from seizure and execution for any debt whatever, after the date of the granting of such lands and during fifteen years from the issuing of the letters-patent, to wit:

1. The beds, bedding, and bedsteads in ordinary use by his family;

2. The necessary and ordinary wearing apparel of himself and his family;

3. One stove and pipes, one crane and its appendages, one pair of andirons, one set of cooking utensils, one pair

of tongs and a shovel, one table, six chairs, six knives, six spoons, six forks, six plates, six tea-cups, six saucers, one sugar basin, one milk-jug, one tea pot, all spinning-wheels and weaving looms in domestic use, one axe, one saw, one gun, six traps, and such fishing nets and seines as are in common use and ten volumes of books ;

4. All necessary fuel, meat, fish, flour and vegetables sufficient for him and his family for three months ;

5. Two horses or two draught oxen, four cows, six sheep, four pigs, eight hundred bundles of hay, other forage necessary for the support of these animals during the winter and provender sufficient to fatten one pig and to maintain three during the winter ;

6. Vehicles and other implements of agriculture ;

The debtor may select the above chattels from any larger number of the same kind. Choice by debtor.

Nevertheless the chattels mentioned in sub-sections 3, 4, 5 and 6 shall not be exempted from seizure and execution for the purchase price thereof. Proviso.

4. If a settler has occupied a lot on Crown lands for more than five years before letters-patent are issued, any excess over such five years shall be deducted from the fifteen years exemption mentioned in the preceding section. Certain years occupation in certain cases to be counted in computation of exemption.

5. Nothing in the present act shall be interpreted as exempting a lot on Crown lands, occupied under a location-ticket, from the payment of the municipal and school taxes, and assessments for church purposes, now due or which may hereafter become due thereupon. The exemption shall not affect municipal or school taxes, &c.

6. The acts of this province 31 Vict., chap. 20, 32 Vict., chap. 13, sec. 2, and 36 Vict., chap. 19, are hereby repealed ; but the repeal of these acts shall not have the effect of putting into force the provisions of the law which they themselves repeal, nor have the effect of invalidating the acts legally performed and the rights acquired under the acts so repealed. 31 Vic., cap. 20, 32 Vic., cap. 13, sec. 2, 36 Vic., cap. 19, repealed. Effect of repeal limited.

All the provisions of the acts mentioned in the present section shall continue to apply to public lands, conceded or granted to *bonâ fide* settlers before the passing of this act, and so long as such concessions or grants, shall not have been cancelled according to law. Repealed acts valid as to grants to settlers before this act.

7. This act shall apply to fishermen who are also settlers and shall come into force on the day of its sanction. Act applies to certain fishermen and coming into force.

SCHEDULE A.

Declaration in connection with section 2.

I, A. B., of _____, in the county of _____, hereby solemnly declare that I am the proprietor and in possession of public lands in virtue of letters-patent issued on the _____ day of the month of _____, 18

That in conformity with the act 45 Victoria, chapter 12, I have selected _____ acres of such land as a Homestead, which land is described as follows: (*description of the land.*)

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the act passed in the thirty seventh year of Her Majesty's reign intituled: "An Act for the suppression of Voluntary and Extra Judicial Oaths."

(Signature) A. B.

Declared and acknowledged	}
before me, one of Her Majesty's	
justices of the Peace for the	
district of _____ at _____	
, this _____ day of the	
month of _____, 18 _____,	}

S. H.,

Justice of the Peace.

SCHEDULE B.

Registrar's Certificate.

I, L. M., Registrar of the Registration Division of _____ hereby certify that A. B., of _____, in the county of _____, has filed in my office, for registration, his solemn declaration to the effect that in virtue of the act 45 Vict., chap. 12, he has selected as a Homestead, _____ acres of public lands owned by him under letters-patent from the Crown, which land is described as follows: (*description of the property*), and that in conformity with the said act, I have enregistered such declaration to avail for all lawful purposes.

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

(Signature) L. M.,

Registrar.