

FORM N.

FORM OF COMMITMENT WITHOUT DISTRESS.

PROVINCE OF QUEBEC, } G. A., Esquire, of (designating the official function of the
 District (or as the case may be) of } person issuing the warrant.)

To any Bailiff or Constable in and for the said district (or as the case may be), and to the keeper of the common gaol in the said district.

Whereas C. D., of (designate the defendant) has been convicted before of having (state the offence) and for such offence adjudged to pay A. B. (designate the prosecutor) the sum of , and also the further sum of for costs in that behalf, and whereas the said C. D. has failed to pay the said sums:

These are therefore to command you the said Bailiffs or Constables, or any one of you, to take the said C. D., and him safely convey to the gaol of the said district, (or as the case may be) and there deliver him to the said keeper thereof, together with this warrant; and I (or we) do hereby command you the said keeper of the said gaol to receive the said C. D. into your custody in the said gaol and there to imprison him for the space of , from the day of his arrival as a prisoner thereat, unless the said last mentioned sum of and all the costs of the commitment and conveying of the said C. D. to the said gaol, amounting to the further sum of , are sooner paid unto you the said keeper; and for so doing this shall be your sufficient warrant.

Given, etc., (as in foregoing form L.)

C A P . I V .

An Act respecting the sale of lands for the working of mines of phosphate of lime, amending the act 32 Vict., Cap. 11.

[Assented to 9th March, 1878.]

Preamble.

WHEREAS phosphate of lime (*apatite*) has been discovered in this province, and it is in consequence advisable to make legal provisions for the regulation of the sale of lands suitable for the working of this ore; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. Section 15 of the act 32 Victoria, chapter 11, is hereby amended so as not to apply to the sale of lands for the working of phosphate of lime; and every other legal provision contained in the same act or in any other act now in force, is also amended so as to have no effect contrary to the real meaning of the present act, in virtue of which only, lands for the working of phosphate of lime shall henceforth be sold.

32 Vict., c 11,
amended.

2. Any tract of land forming part of the crown lands or of the clergy reserves, which shall, in future, be sold for the working of phosphate of lime (*apatite*), shall be designated by the name of "*phosphate lot*"; and this expression shall be always understood in this sense for the interpretation and carrying out of the present act, as well as of all orders in council or regulations made and promulgated in virtue thereof.

Designation
of "phos-
phate lots."

3. The phosphate lots shall consist of parcels of land in the figure and of the superficial area hereinafter specified, and shall be divided by the commissioner of crown lands, as follows:—in lots of four hundred acres in superficies;—in lots of two hundred acres;—and in lots of one hundred acres; in addition, in each case, to the ordinary allowance of five per cent for roads.

Figure and
superficial
area thereof.

4. In unsurveyed localities, the phosphate lots shall contain: those of four hundred acres, fifty-two chains, in width, those of two hundred acres, twenty-six chains, and those of one hundred acres, thirteen chains; the whole by a uniform depth of eighty chains and eighty links.

In unsurvey-
ed localities.

5. In the townships which have been surveyed and sub-divided, these various phosphate lots shall respectively comprise one, two or four ordinary lots of one hundred acres each, as they are regularly divided; or more or less, as the case may be, if these farm lots, when of irregular shape or size, contain each more or less than one hundred acres in superficies.

Ordinary lots
contained in
phosphate
lots.

6. As regards projected townships, the side lines of these phosphate lots shall be parallel to the side lines of the same townships, and the front and rear lines shall coincide with the intended range lines.

Direction of
their lines, in
projected
townships.

7. As regards unsurveyed localities, the direction of the exterior lines of such phosphate lots shall be determined by the commissioner of crown lands, under whose supervision these lots shall be surveyed, chained, divided and described by a provincial land surveyor.

In an unsur-
veyed
locality.

Lot on the shore of a lake or the bank of a river.

8. Whenever a phosphate lot, in an unsurveyed locality, is on the shore of a lake or the bank of a river, its front shall be on such lake or river, and it shall be subject to the rights of the public to navigable and floatable waters. It shall, moreover, be subject to the right of passage or of way, of a chain in width, along such lake or river, this right being comprised in the allowance of five per cent specified in the third section of this act.

Indications of phosphate requiring to be seen on such lots.

9. In existing townships, as well as in unsurveyed localities, no land shall be sold as a phosphate lot, unless it reveals real indications of the existence of this ore.

Geological surveys, for that purpose.

10. It shall be lawful for the commissioner of crown lands to cause to be made, from time to time, and as often as he may deem advisable, geological surveys or other searches, in order to ascertain what lands contain phosphate of lime. He may, at the same time, cause phosphate lots to be surveyed, and limits and boundaries to be set thereto, in the localities which are not yet subdivided, and shall also specify, in his discretion, each lot, according to the third section of this act.

Survey of lots.

Lands containing beds of phosphate reserved.

11. The commissioner of crown lands may also, when he sees fit, reserve and withhold from sale for colonization purposes, lands in which he shall have established the existence of phosphate beds, sufficiently abundant to be worked, with the object of selling them at a suitable time as phosphate lots.

Lots of phosphate put up for sale.

12. The commissioner of crown lands may, from time to time, and as often as circumstances may require, offer and put up for sale such number of phosphate lots as he may deem proper.

Notice.

This sale shall be 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 in one english newspaper, if there be any published in these two languages, in each of the cities of Montreal, Quebec, Ottawa, Three Rivers and Sherbrooke, and in the town of Sorel.

Upset price.

At each such sale, the upset price or first bid shall be fixed and determined by the commissioner of crown lands, but shall not in any case be less than two dollars per acre; and the entire price of the adjudication shall be payable in cash.

Price payable in cash.

Conditions and stipulations.

13. Each public sale of phosphate lots shall be made on the express condition and stipulation that, in addition to the price of the adjudication, the purchaser, his heirs

and assigns, or such other person as may be substituted for him in his rights, or who shall, with his consent, work phosphate of lime in and upon any lot so sold, shall pay to the commissioner of crown lands, his agent or agents duly authorized, fifty cents for each ton of phosphate in its crude state, which he may obtain and remove from such lot; and this under penalty of annulling the sale and the letters patent, which shall contain a stipulation to that effect, and of the confiscation, for the benefit of the crown, of every portion and quantity of phosphate of lime so obtained and removed as aforesaid, for which he or they shall refuse or neglect to pay such duty.

Right of fifty cents for each ton.

Penalty, and confiscation.

Such confiscation shall be made by the agent or any other officer charged with the collection of such duty, by means of the seizure and sale of the said quantity of phosphate, in the manner and form established for the confiscation, seizure and sale of timber taken and cut on the public lands, for non-payment of the duties imposed thereon, in virtue of chapter 23 of the consolidated statutes of Canada.

14. Every sale of phosphate lots, made under the present act, shall be subject to the conditions which are now or may hereafter be established, in favor of the owners of timber limits, by the regulations respecting the sale and management of timber on crown lands, under the authority of the Lieutenant Governor in Council; provided always that such owners of limits shall not derive any benefit from such conditions, during more than three years from the issue of the letters patent for such phosphate lots.

Conditions in relation to timber limits.

Restriction.

15. For each lot forming part of the public lands in this province, which may hereafter be sold at the usual price and on the ordinary conditions, for agricultural or other purposes, but from or on which it shall be established at any time after the sale, either before or after the issue of letters patent, that phosphate of lime is being worked, the purchaser or purchasers or such persons as may be substituted for him or them in his or their rights as proprietors of such lot, shall be bound and obliged to pay in cash to the commissioner of crown lands, an additional amount sufficient to raise the price of such land to the rate of two dollars per acre, and in addition the duty imposed on the working of the phosphate; and a provision to that effect shall be inserted in the letters patent which shall hereafter issue for the granting of public lands in this province.

Additional sums and rates shall be paid on lots sold for agricultural purposes, and on which phosphate is being worked.

Private sale
of phosphate
lots.

16. Phosphate lots situated in unsurveyed localities, as well as those comprised in townships which have been surveyed and subdivided, on which improvements may have been made with a view to settlement, or in reference to which a claim may exist, may be sold by the commissioner of crown lands, or under his direction, by private sale and not by public auction, at a price agreed upon, which in no case shall be less than two dollars per acre, payable in cash; but subject to all the charges and conditions established and laid down, or which may be established and laid down, for the sale of phosphate lots under the various provisions of the present act.

Conditions.

Letters
patent.

Letters patent shall issue in consequence, provided that these sales, in the unsurveyed localities as aforesaid, shall be made and agreed to by the commissioner of crown lands or under his direction, to such person or persons only as shall send in or shall have sent in at their own expense with their application for purchase, a plan or plans, drawn by a provincial land surveyor, establishing the positions and dimensions of the phosphate lots, the acquisition of which is desired; this survey shall, in every respect, be in accordance with the provisions of the present act and with all orders in council which may be passed in virtue thereof; the whole subject to the approval of the commissioner of crown lands.

Plans and
survey
required.

The exis-
tence of
phosphate
beds required
to be proved.

17. Every person, corporation, company or partnership, which desires to purchase one or more phosphate lots, in virtue of the preceding section, shall also furnish, with the application for purchase, to the commissioner of crown lands, satisfactory proof that beds of phosphate of lime exist in and upon such lot or lots;—which proof shall be made by exhibiting specimens or samples of this ore, accompanied by affidavits of competent persons establishing that the samples so produced have been taken from the lot or lots applied for.

Statement
required
from whoever
works
phosphate.

18 Whoever works phosphate of lime on lands acquired under this act, shall furnish to the commissioner of crown lands or to his agent or agents duly authorized to that effect, whenever he shall be thereunto required, a faithful and sworn statement, showing the quantity or exact number of tons of such phosphate ore in its crude state, obtained and removed from such lands; and whoever shall neglect or refuse to furnish such statement shall be liable, for each such offence to a fine not exceeding fifty dollars, in addition to the costs. This fine shall be recovered at the suit of and in the name of the commissioner of crown lands, or of the agent charged with the collection of the additional duties over

Refusal; pe-
nalty.
Prosecutions.

and above the price of sale as aforesaid, either before a justice of the peace, a district magistrate or any court having civil jurisdiction to the amount of such penalty.

19. Every sum of money, derived from the working of phosphate of lime, collected by the commissioner of crown lands, as additional duty over and above the price of sale, under the thirteenth section of this act, and all fines collected under the preceding section, shall form part of the consolidated revenue fund of this province. In what manner the moneys and fines collected shall be disposed of.

20. The Lieutenant Governor in Council may, from time to time, make such regulation or regulations as he may deem requisite or expedient, to reduce or increase the extent of phosphate lots, or to alter the configuration thereof to better accomplish the object of this act, and to provide for such cases as may not have been therein foreseen. Regulations of Lt. Gov. in Council.

21. This act shall be known and cited under the name of the "Phosphate Mines Act," and shall come into force on the day of its sanction. Title of act: act in force.

C A P . V .

An act to further amend the act respecting Agriculture and Public Works, (32 Vict., cap. 15) and the acts amending the same.

[Assented to 9th March, 1878.]

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

1. Section 14 of the act of this province, 32 Vict., cap. 15, intituled : " An act respecting the department of Agriculture and Public Works," is amended, by striking out therefrom the words : " and sealed." 32 V., c. 15, s. 14, amended

2. Section 19 of the same act is amended, by substituting, in the sixth line thereof, the word : " superintendent " for the word : " minister." Id., s. 19, amended.

3. Sections 31 and 34 of the same act are amended, by substituting for the words : " Lieutenant Governor " in each of such sections, the words : " Lieutenant Governor in Council." Id. ss. 31 34, amended.