

5. If a settler occupy, for more than five years, a lot of land before the issue of a patent, the time over and above those five years, shall be subtracted from the delay of ten years following the issue of the patent, mentioned in section two of this act. How the 10 years shall be reckoned.

6. The provisions of this act shall apply to the widow, children, and heirs of the settler, as constituting his representatives. Act to apply to widows, &c., of settlers.

CAP. XXI.

An act to amend the Gold Mining Act, and the Gold Mining Amendment Act of 1865.

[Assented to, 24th February, 1868.]

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

1. The fourth subsection of the thirty-second section of The Gold Mining Act, and the second section of The Gold Mining Amendment Act of 1865 are hereby repealed, and until otherwise ordered by proclamation the seignior of Rigaud Vaudreuil shall be within the gold mining district of the Chaudière. § 4 of sec. 32 of 27, 28, V., c. 9 and sec. 2 of 29 V. c. 9, repealed.

2. Section three of The Gold Mining Act, twenty-seventh and twenty-eighth Victoria, chapter nine, is hereby repealed, and the following substituted therefor :—

“ The lieutenant-governor may appoint such officer, or officers as he shall deem necessary for the purposes of this act, who shall respectively be under the direction of the commissioner of crown lands, and by order in council may prescribe their duties and fix their titles and salaries ; and they shall be *ex officio* justices of the peace of the district or districts which a gold mining division may comprehend or include, in whole or in part, or in which, or in any portion of which, a gold mining division may lie ; and it shall not be necessary that any such officer shall possess any property qualification whatever in order to enable him lawfully to act as such justice of the peace ; and every such officer shall have the jurisdiction, authority, rights and privileges conferred by any act or law in force in this province, upon any inspector and superintendent of police, stipendiary magistrate, judge of the sessions of the peace, sheriff or recorder, over all the territory comprised within the division for which he may be appointed, with power to settle summarily all disputes as to extent or boundary of claims, use of water, access thereto, damage by licensees to others, forfeitures of licenses, and generally to settle all difficulties, matters or questions, which may arise under this act, or offences against any of the provisions of this act or the regulations to be made under it ; and the decision of any such

Lieut.-gov. may appoint necessary officers and fix their salaries.

Their powers and authority.

Their decision shall be final.

No *certiorari*,
nor appeal.

officer, in all cases under this act, shall be final, except when otherwise provided by this act or when another tribunal is appointed under the authority of this act ; and no case under this act shall be removed into any court by writ of *certiorari*, nor shall any appeal be allowed to any court whatever."

Sec. 6 of 27, 28
V., c. 9 repealed.

3. The sixth section of The Gold Mining Act is repealed, and the following substituted therefor :—

Licenses bound
to exhibit their
licenses.

"Every licensee shall, whenever required so to do, exhibit his license to the officer of the division, or to any constable or peace officer deputed by him, and shall prove to the satisfaction of such officer, constable or peace officer, that such license is in force ; and such officer, constable or peace officer shall have the right at all times to enter upon private lands within such division, and to descend into and examine any pit, shaft, tunnel or other excavation or mining work, made, sunk, excavated, erected or carried on in any manner whatever, in such division, for which purpose all persons owning the same or having the control thereof or in any way interested therein, shall afford him all due facility and assistance."

Right of officers
to enter upon
and examine
lands, works,
&c.

Sec. 3 of 29 V.,
c. 9 repealed.

4. Section three of The Gold Mining Amendment Act of 1865, is repealed and the following is substituted therefor :—

Settlement of
disputes be-
tween employers
and workmen.

"Any complaint or dispute for or in respect of wages, between persons (or companies) engaged in mining within any gold mining division, or the agents or representatives thereof and the laborers or servants employed by them, may be heard and determined before the officer of the division, who may by summons require the attendance of the defendant before him (which summons may be served upon such defendant, by causing a copy thereof to be left at the residence or place of business of the defendant, or at the residence, boarding-house, or place of business of the agent or representative of such defendant) and may either in the absence or in the presence of the defendant, determine such complaint in a summary manner, on the oath of one or more witness or witnesses to be sworn before him, and may levy such sum as he may adjudge to be due by such person or company to such laborer or servant, together with such costs as he may deem reasonable, by warrant of distress and sale of the defendant's goods and chattels.

Secs. 20 & 21 of
27, 28 V., c. 9
amended.

5. The twentieth and twenty-first sections of The Gold Mining Act are amended by striking out the word "crown" in the first line of each of the said sections.

Sec. 24 of same
act amended.

6. The twenty-fourth section of The Gold Mining Act is amended, by inserting after the word "shall" in the first line thereof, the following words : "whenever called upon so to do by the officer of the division and."

Sec. 28 of same
act repealed.

7. Section twenty-eight of the said Gold Mining Act is hereby repealed and the following substituted therefor :—

Regulation of
the sale of
liquors, &c.

"No person shall sell or barter any wine, beer or other spirituous liquor, within three leagues of any place where gold mining is being prosecuted, without a monthly tavern

license from the officer for such division, paying for the same a fee of five dollars; and such tavern shall be under the superintendence of such officer, who may refuse to grant or rescind such license, should the tavern not be conducted in an orderly or proper manner; and any person who shall so sell or barter any wine, beer or other spirituous liquor as aforesaid without first obtaining such a license, shall, upon conviction before the officer for the division, forfeit and pay for every such offence, a fine of not more than one hundred dollars and costs; and in default of payment of such fine and costs, he may be imprisoned for any period not more than two months, and he shall moreover, forfeit all wine, beer and other spirituous liquor found in his possession in such tavern; and the delivery of intoxicating liquor of any kind, in or from any building, booth or place, other than a private dwelling-house, or its dependencies, or in or from any dwelling house, or its dependencies, if any part thereof is used as a tavern, eating-house, grocery, shop, or other place of common resort,—such delivery in either case being to any one not *bonâ-fide* a resident therein,—shall *primâ-facie* be deemed evidence of and punishable as a sale and barter in violation of this section; and any such delivery in or from a private dwelling-house or its dependencies, or in or from any other building, booth or place whatever, to any one, whether resident therein or not, with payment or promise of payment, either express or implied, before, on, or after such delivery, shall *primâ-facie* be deemed evidence of and punishable as a sale and barter violation hereof.

Fine for selling &c., without license.

Imprisonment in default of payment.

What evidence shall be sufficient.

What shall be deemed a delivery of liquor.

8. Whoever, by himself, his clerk, servant or agent, exposes or keeps for sale, directly or indirectly, on any pretence or by any device, sells, or barter, for any consideration whatsoever, or gives to any other person any spirituous or other intoxicating liquor, or any mixed liquor, part of which is spirituous or otherwise intoxicating, shall incur the penalty imposed by the next preceding section; and whoever, in the employment or on the premises of another, so exposes or keeps for sale, or sells, or barter, or gives, in violation of the said section, shall be held equally guilty with the principal, and shall incur the same penalty.

Penalty for keeping liquor for sale.

9. The thirtieth section of The Gold Mining Act is amended by striking out the word "four" in the third line thereof, and substituting "twelve" therefor, and by adding at the end of the section, the following—"And such constables shall have, within such division, all the powers, authority, rights and privileges conferred on the police force of the cities of Quebec and Montreal respectively, by chapter 102 of the consolidated statutes for Lower Canada."

Sec. 30 of 27, 28 V. c. 9 amended.

10. The constables so appointed, and any police force appointed under the thirty-first section of The Gold Mining Act, shall be under the control and direction of the officer of the division who may make such orders and regulations as he

Constables, &c., to be under control of the officer of the division.

may deem expedient relative to the general government thereof, their places of residence, classification, rank and particular service, their distribution and inspection, and may, at any time, suspend, dismiss, or replace them or any of them.

Secs. 33 & 34 of same act repealed.

11. The thirty-third and thirty-fourth sections of The Gold Mining Act are repealed.

Sec. 26 of same act amended.

12. The twenty-sixth section of The Gold Mining Act is amended, by adding at the end thereof—" And if the mill be owned by any incorporated or other company, the manager, agent or representative of such company shall be bound to perform all the requirements of the said section as hereby amended, and shall be liable to and shall incur the penalty or penalties thereby imposed, as though such manager, agent or representative were individually and personally the mill-owner.

Who may be witnesses.

13. No person shall be incompetent to give evidence in any proceeding under this act or the acts hereby amended, on account or by reason of interest therein.

English version of s. 9 of same act amended.

14. Whereas a variance exists between the French and English versions of the ninth section of The Gold Mining Act, twenty-seventh and twenty-eighth Victoria, chapter nine, the words " of such lands" in the English version of the said section are struck out.

General repeal.

15. All acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

Short title.

16. This act may be known and cited as "The Gold Mining Amendment Act of 1868."

C A P . X X I I .

An act to provide more effectually for the Support of Schools in certain cases, and for other objects therein mentioned.

[Assented to, 24th February, 1868.]

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

Sums to be contributed in future by Quebec and Montreal.

1. The corporations of the cities of Quebec and Montreal shall for the future pay annually, to the boards of catholic school commissioners and protestant school commissioners of the said cities, a sum equal to three times that which they would be entitled to receive from the superintendent of education, if section one hundred and thirty-three, of chapter fifteen, of the consolidated statutes for Lower-Canada, was repealed.

C. S. L. C., c. 15, s. 133.

School commissioners in said cities may apply

2. The school commissioners of the said cities, with the approval of the superintendent of education, may set aside