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No. 58.

4th Session, 6th Parliament, 24 Victoria, 1861

BILL.

An Act for the protection of the Creditors
of Locatees of the Lands of the Crown.

Received and read, first time, Wednesday, 3rd
April, 1861.

Second reading, Monday, 8th April, 1861.

Mr. PRIOR.

QUEBEC:

PRINTED BY THOMPSON, HUNTER & CO.,
ST. URSULE STREET.

An Act for the protection of the Creditors of Locatees of the Lands of the Crown.

WHEREAS it is expedient for the security of the Creditors of Preamble. locatees of the lands of the Crown, to render lots or portions of lots held by such locatees, under "Location Tickets" or "Permits of Occupation," liable to be taken in execution by creditors of such locatees, and to be validly sold, or to be mortgaged and hypothecated in favor of any such creditors; subject, however, to the privilege of the Crown for any balance due of the purchase money, or interest accrued thereon, of such lands; Therefore Her Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of the Province of Canada, in Parliament assembled, enacts as follows:

I. All lots or portions of lots held under "Location Tickets," or "Permits of occupation," shall be subject to be taken in execution at the suit of any Creditor of the located thereof, and to be validly sold, hypothecated and mortgaged by the locatee thereof; the whole in the same manner and to the same extent, and subject to the same rules of law and of procedure, as if such lots or portions of lots had been granted by the Crown by Letters Patent: Provided always, that no confirmation of Title, Sheriff's sale or licitation, nor any mortgage or hypothecation, shall in any respect affect the rights of the Crown to the purchase money and interest, should any such be due upon such lots or portions of lots, or the right to declare forfeited such "permits of occupation" or "location tickets," in default of payment of such purchase money; but, as regards the Crown, the effect of such confirmation of Title, Sheriff's sale, licitation, mortgage or hypothec, shall extend only to the rights of the locatee or occupant in the land held under the Location Ticket or Permit of occupation.

Rights of locatees to be subject to sale, hypothec, &c.

Proviso:
rights of the
Crown not to
be affected:

II. This Act shall apply to Mortgages or Hypothecs heretofore created upon lands held under "Location Tickets" or "Permits of Occupation," provided that such Mortgage or Hypothec has been duly registered previous to the registration of any transfer or sale by any such locatee to any party or parties, of his, her, or their claim or pre-emptive rights to the same property or properties.

Act to apply to former sales.

III. This shall apply only to the lands of the Crown in Lower Canada. Act limited to L. C.